

A
COLLECTION
OF
THE ACTS

PASSED BY
THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1917

CALCUTTA
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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1917

- I An Act to consolidate the enactments relating to Inland Steam-vessels
- *II „ to provide for the imposition and levy of certain duties on motor spirit.
- *III „ to constitute an Indian Defence Force, and for other purposes
- *IV. „ to authorise the suspension of certain sentences passed by Courts-martial under the Indian Army Act, 1911, and for other purposes
- V. „ to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers
- VI „ further to amend the Indian Tariff Act, 1894
- VII „ further to amend the Indian Income-tax Act, 1886
- VIII „ to impose a tax on income in addition to that imposed by the Indian Income-tax Act, 1886
- *IX „ to amend the Indian Bills of Exchange Act, 1916
- X „ further to amend the Indian Army Act, 1911
- *XI „ to consolidate the enactments amending, temporarily, the Indian Paper Currency Act, 1910
- XII „ to validate certain deeds of conveyance and a trust deed relating to certain properties of His late Majesty, Wajid Ali Shah, King of Oudh, and for other purposes
- XIII „ to impose a tax on goods carried by railway or inland steam-vessel
- XIV. „ to amend the Prevention of Cruelty to Animals Act, 1890
- XV „ further to amend the Indian Registration Act, 1908
- XVI. „ to establish and incorporate a University at Patna
- XVII. „ to amend the Government Savings Banks Act, 1873
- XVIII „ to restrict the transfer of Post Office 5-year Cash Certificates and to provide for the payment of Certificates standing in the name of deceased persons
-

* To remain in force during the war and for six months thereafter.

- XIX An Act to amend the Indian Paper Currency Act, 1910, and the Indian Paper Currency (Temporary Amendment) Act, 1917
- *XX „ to restrict the transfer of ships registered in British India.
- XXI. „ to amend the Indian Trusts Act, 1882.
- *XXII „ to provide for the acquisition of gold imported into British India.
- XXIII „ further to amend the Presidency Small Cause Courts Act, 1882
- XXIV. „ to amend certain enactments and to repeal certain other enactments.
- XXV. „ to amend the Sir Currimbhoy Ebrahim Baronetcy Act, 1913
- XXVI. „ to validate certain transfers of property made prior to the 1st of January 1915

* To remain in force during the war and for six months thereafter

THE INLAND STEAM-VESSELS ACT, 1917

(I of 1917)

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ACT NO. I OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 7th
February, 1917)*

An Act to consolidate the enactments relating
to Inland Steam-vessels

WHEREAS it is expedient to consolidate the
enactments relating to inland steam-vessels ;
It is hereby enacted as follows —

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Inland Steam-
vessels Act, 1917

Short title,
extent and
commence-
ment

(2) It extends, in the first instance, to the whole
of British India, except the territories administered
by the Governor of Fort St George in Council , and

It shall come into force on such date as the
Governor General in Council, by notification in the
Gazette of India, may direct

(3) The Governor of Fort St. George in Council
may, at any time, by notification in the Fort St.
George Gazette, extend this Act or any part thereof
to the whole or any part of the territories under his
administration , and the Act or part so extended shall
come into force in such territories or part thereof on
such date as may be specified in this behalf in such
notification.

2. In

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “inland steam-vessel” means a steam-vessel which ordinarily plies on any inland water :

(2) “inland water” means any canal, river, lake or other navigable water in British India :

(3) “passenger” includes any person carried in a steam-vessel other than the master and crew and the owner, his family and servants :

(4) “prescribed” means prescribed by any rule under this Act .

(5) “steam-vessel” means every description of vessel propelled wholly or in part by the agency of steam :

(6) “survey” means the survey of a steam-vessel under this Act :

(7) “surveyor” means a surveyor appointed under this Act . and

(8) “voyage” includes the plying of a steam vessel at or about any place

CHAPTER II.

SURVEY OF INLAND STEAM-VESSELS.

Inland steam-vessel not to proceed on voyage or to be used for service without certificate of survey

3. (1) An inland steam-vessel shall not proceed on any voyage, or be used for any service unless she has a certificate of survey in force and applicable to such voyage or service

(2) Nothing in this section shall apply to any steam-vessel proceeding on a voyage during the interval between the time at which her certificate of survey expires and the time at which it is first practicable to have the certificate renewed.

Appointment of surveyors and places of survey

4. (1) The Local Government may, by notification in the local official Gazette,—

(a) declare such places, within the territories under its administration, as it thinks fit, to be places of survey, and

(b) appoint

(b) appoint so many persons to be surveyors at the said places as it thinks fit, for the purposes of this Act

(2) Every surveyor shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code.

5. (1) For the purposes of a survey, the surveyor ^{Powers of surveyors} may, at any reasonable time, go on board any inland steam-vessel, and may inspect the steam-vessel and every part thereof, including the hull, boilers, engines and other machinery, and all equipments and articles on board.

Provided that he shall not unnecessarily hinder the loading or unloading of the steam-vessel, or unnecessarily detain or delay her from proceeding on any voyage

(2) The owner, master and officers of the steam-vessel shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-vessel, and her machinery or any part thereof, and all equipments and articles on board, as he may require for the purposes of a survey

6. Before a survey is commenced, the owner or master of the steam-vessel to be surveyed shall pay to such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf— ^{Fees in respect of surveys}

(a) a fee calculated on the tonnage of the steam-vessel according to the rates mentioned in Schedule I, or according to any other prescribed rates; and

(b) when the survey is to be made in any place of survey other than Calcutta, Madras, Bombay or Rangoon, such additional fee in respect of the expense (if any) of the journey of the surveyor to the place as the Local Government may by such notification direct

7. When the survey of a steam-vessel is completed, if the surveyor making it is satisfied that— ^{Declaration of surveyor}

(a) the hull, boilers, engines and other machinery
of

of the steam-vessel are sufficient for the voyage or service intended and in good condition, and

- (b) the equipments of the steam-vessel and the certificates of the master and engineer are such and in such condition as are required by any law for the time being in force and applicable to the steam vessel,

the surveyor shall forthwith give to the owner or master a declaration in the prescribed form containing the particulars mentioned in clauses (a) and (b), and the following further particulars, namely:—

- (i) the time (if less than one year) for which the hull, boilers, engines and other machinery and equipments of the steam-vessel will be sufficient;
- (ii) the limit (if any) beyond which, as regards the hull, boilers, engines and other machinery or equipments, the steam-vessel is in the surveyor's judgment not fit to ply,
- (iii) the number of passengers (if any) which the steam-vessel is, in the judgment of the surveyor, fit to carry, specifying, if necessary, the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires, and
- (iv) any other prescribed particulars.

Sending of
declaration by
owner or
master to
Local Govern-
ment

8 (1) The owner or master of a steam-vessel to whom a declaration is given under section 7 shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf,

(2) If

(2) If any owner or master fails to send a declaration as required by sub-section (1), he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

9 (1) The Local Government shall, if satisfied that all the provisions of this Act have been complied with in respect of a declaration sent under section 8, cause—

Power for
Local Govern-
ment to grant
or authorise
the grant of
certificates of
survey

- (a) a certificate of survey, in duplicate, to be prepared, and
- (b) notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates

(2) On application made by the owner or master to such officer at the place of survey as the Local Government may, by notification in the local official Gazette, appoint in this behalf, and on payment to such officer by the owner or master of the sum (if any) forfeited by him under section 8, sub-section (2) (the actual amount of which within the limit thereby fixed shall be determined by the Local Government), the certificate, in duplicate, so prepared shall be granted to the owner or master by the Local Government and issued to him through such officer

(3) A certificate granted under this section shall be in the prescribed form, shall contain a statement to the effect that all the provisions of this Act with respect to the survey of the steam-vessel and the declaration of survey have been complied with, and shall set forth—

- (a) the particulars concerning the steam-vessel mentioned in the declaration of survey as required by clauses (i), (ii) and (iii) of section 7, and
- (b) any other prescribed particulars.

(4) The Local Government may, by notification in the local official Gazette, delegate to any person all or any of the functions assigned to the Local Government under this section :

Provided that no delegation shall be made under sub-section (2) so as to authorise the grant of a certificate

certificate of survey by the surveyor who made the declaration of survey under section 7.

Certificate of survey to be affixed in conspicuous part of steam-vessel

10. The owner or master of every steam-vessel, for which a certificate of survey has been granted, shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed and kept affixed so long as it remains in force and the steam-vessel is in use, on some conspicuous part of the steam-vessel where it may be easily read by all persons on board

Term of certificates of survey

11. A certificate of survey shall not be in force—

- (a) after the expiration of one year from the date thereof, or
- (b) after the expiration of the period (if less than one year) for which the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel to which the certificate relates have been stated in the certificate to be sufficient, or
- (c) after notice has been given by any Local Government, to the owner or master of such steam-vessel, that such Local Government has cancelled or suspended it.

Renewal of certificates of survey

12. After a certificate of survey has ceased to be in force, the same shall only be renewed after a fresh survey of the steam-vessel to which the certificate relates, has been held in accordance with the provisions of this Chapter, save so far as any relaxation thereof may be prescribed.

Power for Local Government to suspend or cancel certificate of survey

13. A certificate of survey may be suspended or cancelled by any Local Government if it has reason to believe—

- (a) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or other machinery or of any of the equipments of the steam-vessel has been fraudulently or erroneously made, or
- (b) that the certificate has otherwise been granted upon false or erroneous information; or

(c) that

- (c) that since the making of the declaration the hull, boilers, engines or other machinery, or any of the equipments of the steam-vessel have sustained any material injury, or have otherwise become insufficient.

14. The Local Government may require any certificate of survey, which has expired or has been suspended or cancelled, to be delivered up to such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

Power for
Local Govern-
ment to
require
delivery of
expired or
cancelled
certificate

15. If the Local Government, which suspends or cancels a certificate of survey, is not the Local Government which (or whose delegate) granted the certificate, the Local Government suspending or cancelling the certificate shall report the fact of suspension or cancellation, together with the reasons therefor, to the Local Government which (or whose delegate) granted the certificate

Report of
suspension or
cancellation
of certain
certificates

16. A survey shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order in writing, so directs either generally in the case of all steam-vessels at any place of survey, or specially in the case of any particular steam-vessel or class of steam-vessels at any such place

Power for
Local Govern-
ment to
direct survey
by two
surveyors

17 (1) If the surveyor making a survey of a steam-vessel refuses to give a declaration under section 7 with regard to the steam-vessel, or gives a declaration with which the owner or master of the steam-vessel is dissatisfied, the Local Government may, on the application of the owner or master, and the payment by him of such fee, not exceeding twice the amount of the fee payable for the previous survey, as the Local Government may require, direct two other surveyors to survey the steam-vessel

Power for
Local Govern-
ment to
order a second
survey

(2) The surveyors so directed shall forthwith survey the steam-vessel, and may, after the survey, either refuse to give a declaration or give such declaration as, under the circumstances, seems to them proper.

(3) Any

(3) Any declaration given, or any refusal to give a declaration under sub-section (2), shall be final

Division of
duties when
two surveyors
employed

18. When a survey is made by two surveyors under either section 16 or section 17, each of the surveyors shall perform the prescribed portion of the duties assigned to a surveyor under this Act or the rules made thereunder

Power for
Local Gov-
ernment to
make rules as
to surveys

19 (1) The Local Government may, with the previous sanction of the Governor General in Council, make rules to regulate the making of surveys.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the times and places at which, and the manner in which, surveys are to be made;
- (b) the duties of the surveyor making a survey and, where two surveyors are employed, the respective duties of each such surveyor;
- (c) the form in which declarations of survey and certificates of survey are to be framed, and the nature of the particulars to be stated therein under sections 7 and 9,
- (d) the rates other than those mentioned in Schedule I according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the places of survey within the territories under its administration, and
- (e) the cases in, and the extent to, which a survey may be dispensed with before the grant of a new certificate.

CHAPTER III

MASTERS [INCLUDING SERANGS] AND ENGINEERS [INCLUDING ENGINE-DRIVERS] OF INLAND STEAM-VESSELS

Appointment
of examiners

20 The Local Government may appoint examiners for the purpose of examining the qualifications of

of persons desirous of obtaining certificates (hereinafter called certificates of competency), to the effect that they are competent to act as masters or serangs, or as engineers or engine-drivers, as the case may be, on board inland steam-vessels

21 (1) The Local Government or such officer as it may, by notification in the local official Gazette, appoint in this behalf, shall grant to every person who is reported by the examiners to possess the prescribed qualifications, a certificate of competency to the effect that he is competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland steam-vessel :

Grant of masters', serangs', engineers' and engine drivers' certificates of competency

Provided nevertheless that, before granting a certificate of competency under this Act, the authority empowered to grant such certificate may, if it considers the report of the examiners regarding any applicant for such certificate to be defective, or has reason to believe that such report has been unduly made, require a further examination or a re-examination of the applicant

(2) Every certificate granted under this section shall be in the prescribed form

22 (1) The Local Government may, in its discretion, grant without examination to any person who has served as a master, or as an engineer, of an inland steam-vessel before the first day of April, 1890, a certificate (hereinafter called a certificate of service) to the effect that he is, by reason of his having so served, competent to act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, on board an inland steam-vessel.

Grant of masters', serangs', engineers' and engine-drivers' certificates of service.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

23. Every certificate of competency or service granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to

Certificates to be made in duplicate.

the

the certificate, and the other shall be kept and recorded in the prescribed manner.

Copy of certificate to be granted in certain cases

24 Whenever a master or serang, or an engineer or engine-driver, proves, to the satisfaction of the authority which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, according to the record kept under section 23, he appears to be entitled shall be granted to him, and shall have the same effect as the original.

Certificates to be held by master and engineer of vessel of eighty or more horse-power

25 An inland steam-vessel having engines of eighty or more nominal horse-power shall not proceed on any voyage unless she has—

- (a) as her master a person possessing a first-class master's certificate granted under this Act, or a master's certificate granted under the Indian Merchant Shipping Act, 1859, or granted under, or continued in force by, the Merchant Shipping Act, 1894, and
- (b) as her engineer a person possessing an engineer's certificate granted under this Act, or the Indian Steam-ships Act, 1884, or granted under, or continued in force by, the Merchant Shipping Act, 1894.

I of 1859

57 & 58
Vict., c. 60

VII of 1884

57 & 58
Vict., c. 60

Certificates to be held by master and engineer of vessel of between thirty and eighty horse power

26. An inland steam-vessel having engines of thirty or more nominal horse-power, but of less than eighty nominal horse-power, shall not proceed on any voyage unless she has—

- (a) as her master a person possessing a second-class master's certificate granted under this Act, or any certificate referred to in clause (a) of section 25, and
- (b) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act, or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or any certificate referred to in clause (b) of section 25 :

VII of 1884

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master

master and engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b), of this section.

27. An inland steam-vessel having engines of less than thirty nominal horse-power shall not proceed on any voyage unless she has—

Certificates to be held by master and engineer of vessel of less than thirty horse power.

- (a) as her master a person possessing a serang's certificate granted under this Act, or any certificate referred to in clause (a) of section 26, and
- (b) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act, or any certificate referred to in clause (b) of section 26

Provided that a steam-vessel shall be deemed to have complied with this section if she has as her master and engineer a person possessing both a certificate referred to in clause (a), and a certificate referred to in clause (b), of this section.

28. Notwithstanding anything in this Chapter, the Local Government may, by general or special order, direct that a person possessing—

Power for Local Government to require master or engineer to hold certificate granted under Act in addition to other certificate.

- (a) a master's certificate granted under the Indian Merchant Shipping Act, 1859, or granted under, or continued in force by, the Merchant Shipping Act, 1894, or
- (b) an engineer's or engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act, 1894,

shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses—

- (i) in case (a), such a master's or serang's certificate granted under this Act as qualifies him under this Chapter to act as master of the steam-vessel, or

(ii) in

I of 1859

57 & 58
Vict, c 60.

VII of 1894.

57 & 58
Vict, c 60

- (ii) in case (b), such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this Chapter to act as engineer of the steam-vessel.

Provided that, for the purposes of this section, the Local Government may, in its discretion, grant to any person, without examination, a master's or serang's or an engineer's or engine-driver's certificate of competency under this Act, and such certificate shall have the same effect as a certificate of competency granted under this Act after examination

Power for
Local Govern-
ment to make
rules as to
grant of cer-
tificates of
competency

29 (1) The Local Government may, with the previous sanction of the Governor General in Council, make rules to regulate the granting of certificates of competency under this Chapter

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the times and places of holding and the mode of conducting examination of persons desirous of obtaining certificates of competency,
- (b) the qualifications to be required of persons desirous of obtaining such certificates,
- (c) the examination fees to be paid by such persons, and
- (d) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23.

Power for
Local Govern-
ment to make
rules as to
grant of
certificates of
service

30. The Local Government may also make rules to regulate the granting of certificates of service under section 22, and may by such rules prescribe in particular—

- (a) the fees to be paid for such certificates, and
- (b) the forms in which such certificates are to be framed, and the authority by whom, and the manner in which, copies are to be kept and recorded under section 23

31. Certificates

31 Certificates of competency or service granted under this Chapter shall have effect as follows, namely :—

Area in which certificates of competency or service shall have effect

- (i) A certificate of competency or service as engineer or engine-driver shall have effect throughout British India.
- (ii) A certificate of competency or service as master or serang shall have effect throughout the province in which it was granted.

Provided that the authority granting such certificate may, by endorsement thereon, restrict the effect of such certificate to any part of such province

Provided further that such certificate may be endorsed by the Local Government of any other province, or with the general or special sanction of the Local Government of such other province, by the authority granting it so as to have effect in such other province or any part thereof, and thereupon shall have effect accordingly.

CHAPTER IV.

INVESTIGATIONS INTO CASUALTIES.

32 Whenever—

- (a) any inland steam-vessel has been wrecked, abandoned or materially damaged, or
- (b) by reason of any casualty happening to, or on board of, any inland steam-vessel, loss of life has ensued, or
- (c) any inland steam-vessel has caused loss or material damage to, any other vessel,

Report of casualties to be made to nearest police station.

the master of the steam-vessel shall forthwith give notice of the wreck, abandonment, damage, casualty, or loss to the officer in charge of the nearest police-station

33. (1) If a formal investigation into the facts of any case reported under section 32 appears to the

Power for Local Government to appoint Court of investigation
Local
B

Local Government to be expedient, the Local Government may—

(a) appoint a special Court and direct the Court to make the investigation at such place as the Local Government may fix in this behalf, or

(b) direct any principal Court of ordinary criminal jurisdiction or the Court of any District Magistrate to make the investigation.

(2) A special Court appointed under clause (a) of sub-section (1) shall consist of not less than two nor more than four persons, of whom one shall be a Magistrate, one shall be a person conversant with maritime affairs or with the navigation of inland steam-vessels, and the other or others (if any) shall be conversant with either maritime or mercantile affairs, or with the navigation of inland steam-vessels

Power of
Court of
investigation
to inquire into
charges of
incompetency
or misconduct

34 (1) Any Court making an investigation under section 33 may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty, or loss referred to in section 32

(2) In every case in which any such charge arises against any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or of any statement of the case upon which the investigation has been directed.

Power for
Local Govern-
ment to direct
investigation
otherwise
than under
section 33

35 (1) If the Local Government has reason to believe that there are grounds for charging any master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, with incompetency or misconduct, otherwise than in the course of an investigation under section 33, it may send a statement of the case to the principal Court of ordinary

ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(2) Before commencing an investigation under sub-section (1), the Court shall cause the person charged to be furnished with a copy of the statement of the case sent by the Local Government

36 For the purpose of an investigation under this Chapter into any charge against a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

Person charged to be heard

37 (1) When, in the opinion of the Court making an investigation under this Chapter, the investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, or any person holding a certificate granted under Chapter III, the Court shall appoint as its assessors, for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of inland steam-vessels.

Assessors

(2) In every other investigation the Court may, if it thinks fit, appoint as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of inland steam-vessels and willing to act as assessor.

(3) Every person appointed as an assessor under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings.

38. For the purpose of any investigation under this Chapter, the Court making the investigation shall, so far as relates to compelling the attendance and examination of witnesses, and the production of documents and the regulation of the proceedings, have—

Powers of Court as to evidence and regulation of proceedings

(a) if the Court is a special Court—the same powers as are exerciseable by the principal Court

Court of ordinary criminal jurisdiction for the place at which the investigation is made ;
or

- (b) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as are exerciseable respectively by either Court in the exercise of its criminal jurisdiction.

Power of
Court to effect
arrest of
witnesses by
entry and
detention of
vessels

39 (1) If any Court making an investigation under this Chapter issues a warrant of arrest to compel the attendance of any person whose evidence is in its opinion necessary, it may, for the purpose of effecting the arrest, but subject to any general or special instructions issued by the Local Government in this behalf, authorise any officer to enter any vessel.

(2) An officer so authorized to enter any vessel may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest, and every such officer or other person shall be deemed to be a public servant within the meaning of the ^{XIV of} Indian Penal Code 1860

(3) No person shall be detained under this section for more than forty-eight hours

Power of
Court to
commit for
trial and to
bind over
witnesses

40 Whenever, in the course of an investigation under this Chapter, it appears to the Court making the investigation that any person has committed, within British India, an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, make in this behalf)—

- (a) cause such person to be arrested,
- (b) commit him or hold him to bail to take his trial before the proper Court ;
- (c) bind over any other person to give evidence at such trial, and
- (d) exercise, for the purposes of this section, all the powers of the Magistrate of the first class or of a Presidency Magistrate

41. (1) Whenever

41 (1) Whenever, in the course of a trial referred to in section 40, the evidence of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this Chapter shall, if authenticated by the signature of the Magistrate or presiding Judge of such Court, be admissible in evidence on proof—

Depositions
of absent
witnesses

- (a) that the witness cannot be found within the jurisdiction of the Court before which the trial is held, and
- (b) that the deposition was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness

(2) A certificate signed by such Magistrate or presiding Judge that the deposition was made in the presence of the accused, and that he had an opportunity of cross-examining the witness shall, unless the contrary be proved, be sufficient evidence that it was so made and that the accused had such opportunity

42 The Court shall, in the case of every investigation under this Chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence recorded and the written opinion of any assessor

Report by
Court to
Local Govern-
ment

43. Notwithstanding the appointment under section 37 of an assessor or assessors by a Court making an investigation under this Chapter, the exercise of all powers conferred on such Court by this Act shall rest with the Court alone

Court to
exercise its
powers inde-
pendently
of the asses-
sors

44 (1) Whenever any explosion occurs on board any inland steam-vessel, the Local Government may direct that an investigation into the cause of the explosion be made by such person or persons as it may appoint in this behalf.

Power for
Local Govern-
ment to
direct inves-
tigations into
causes of
explosions
on steam
vessels

(2) The person or persons so appointed may, for the purpose of the investigation, enter into and upon the steam-vessel, with all necessary workmen and labourers, and remove any portion of the steam-vessel or of the machinery thereof, and shall report to the

Local

Local Government what, in his or their opinion, was the cause of the explosion

(3) Every person making an investigation under this section shall be deemed to be a public servant ^{XLV of} within the meaning of the Indian Penal Code 1860

CHAPTER V

SUSPENSION AND CANCELLATION OF CERTIFICATES GRANTED UNDER THE ACT

Power for
Local Govern-
ment to
suspend or
cancel certi-
ficates in
certain cases

45 Any certificate granted under Chapter III may be suspended or cancelled by the Local Government by which, or under authority from which, it was granted, or by any other Local Government in the following cases, namely —

- (a) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any vessel, or loss of life, has been caused by the wrongful act or default of the holder of such certificate, or that the holder of such certificate is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct, or
- (b) if the holder of such certificate is proved to have been convicted of any non-bailable offence, or
- (c) if, in the case of a person holding a certificate of competency or service as second-class master or serang, or as engine-driver, such person is or has become, in the opinion of the Local Government, unfit to act as a second-class master or serang or as an engine-driver, as the case may be :

Provided that a certificate shall not be suspended or cancelled under clause (a), unless the Local Government is satisfied that the holder of the certificate has, before the commencement of the investigation, been furnished with a copy of the report or statement of
the

the case as required by section 34 or section 35, as the case may be.

46. Every person whose certificate is suspended or cancelled under this Chapter shall deliver it up to such person as the Local Government which suspended or cancelled it may direct.

Obligation
to deliver up
suspended or
cancelled
certificate

47 If the Local Government which suspends or cancels a certificate under this Chapter is not the Local Government by which, or under authority from which, such certificate was granted, the Local Government so suspending or cancelling the certificate shall report the proceedings, and the fact of suspension or cancellation to the Local Government by which, or under authority from which, such certificate was granted

Report to
other Local
Government

48 (1) Any Local Government may, at any time, revoke any order of suspension or cancellation which it may have made under this Chapter, or grant, without examination, to any person whose certificate it has so cancelled, a new certificate

Power for
Local Govern-
ment to re-
voke suspen-
sion or cancel-
lation, and to
grant new
certificate

(2) A certificate so granted shall have the same effect as a certificate of competency granted under this Act after examination.

CHAPTER VI.

PROTECTION OF, AND CARRIAGE OF PASSENGERS IN, INLAND STEAM-VESSELS.

49 The Governor General in Council may, by notification in the Gazette of India, declare what shall, for the purposes of this Act, be deemed to be dangerous goods.

Power for
Governor
General in
Council to
declare
dangerous
goods
Carriage of
dangerous
goods

50. (1) No person shall—

(a) take with him on board an inland steam-vessel any dangerous goods without giving notice of their nature to the owner or master of the steam-vessel, or

(b) deliver or tender for carriage on such steam-vessel any dangerous goods without giving such

such notice, and without distinctly marking their nature on the outside of the package containing the goods

(2) If the owner or master of an inland steam-vessel suspects, or has reason to believe, that any luggage or parcel taken, delivered, or tendered for carriage on the steam-vessel contains dangerous goods, he may—

- (i) refuse to carry it upon the steam-vessel, or
- (ii) require it to be opened to ascertain the nature of its contents, or
- (iii) if it has been received for carriage, stop its transit until he is satisfied as to the nature of its contents

Power of
owner or
master of
steam vessel
to throw over
board dang-
erous goods

51 Where any dangerous goods have been taken or delivered on board any inland steam-vessel in contravention of section 50, the owner or master of the steam-vessel may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so caused the goods to be thrown overboard, be subject to any liability, civil or criminal, in any Court

Power for
Local Govern-
ment to make
rules for pro-
tection of
inland steam-
vessels from
accidents

52. (1) The Local Government may make rules for the protection of inland steam-vessels against explosion, fire, collision and other accidents.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the conditions on and subject to which dangerous goods may be carried on board inland steam-vessels,
- (b) prescribe precautions to be taken to prevent explosions or fires on board inland steam-vessels;
- (c) prescribe the apparatus which is to be kept on board inland steam-vessels, for the purpose of extinguishing fires,
- (d) regulate the making of sound signals;
- (e) regulate

- (e) regulate the carriage and exhibition of lights by inland steam-vessels ;
- (f) regulate the carriage and exhibition of lights by other vessels on specified inland waters on which steam-vessels ply ,
- (g) prescribe the steering rules to be observed ;
- (h) regulate the towing of vessels astern or alongside ,
- (i) prescribe the speed at which inland steam-vessels may be navigated in specified areas , and
- (j) regulate the navigation of inland steam-vessels to prevent danger to other vessels, or to the banks, channels, navigation marks or any property, moveable or immoveable, in or abutting on navigable channels ,

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both

53 (1) The Local Government may make rules to regulate the carriage of passengers in inland steam-vessels

Power for Local Government to make rules as to carriage of passengers in inland steam vessels.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the cases in which passengers may be refused admission to, or may be required to leave, inland steam-vessels ;
- (b) provide for the payment of fares, and the exhibition of tickets or receipts (if any) showing the payment of their fares, by passengers in inland steam-vessels , and
- (c) regulate generally the conduct of passengers in inland steam-vessels

(3) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to twenty rupees.

(4) The

(4) The master or any other officer of an inland steam-vessel, and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section, if the name and address of such person are unknown to the master or such other officer

(5) The procedure prescribed by section 59 of the Code of Criminal Procedure, 1898, in the case of arrest ^{V of 1898} by private persons shall apply to every arrest made under this section

Power for
Local Govern-
ment to make
rules for pro-
tection of
passengers

54 (1) The Local Government may also make rules for the protection of passengers in inland steam-vessels, and may by such rules require—

- (a) the prices of passenger tickets to be printed or otherwise denoted on such tickets, and
- (b) the supply, free of charge, of a sufficient quantity of fresh water for the use of such passengers.

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with fine which may extend to fifty rupees.

CHAPTER VII.

PENALTIES AND LEGAL PROCEEDINGS.

Penalty for
making
voyage with-
out certificate
of survey

55. (1) If any inland steam-vessel proceeds on a voyage in contravention of section 3, the owner and the master of the steam-vessel shall each be punishable with fine, which may extend to one thousand rupees.

(2) If the master or any other officer on board an inland steam-vessel which proceeds on a voyage in contravention of section 3 is a licensed pilot, he shall be liable to have his license as a pilot suspended or cancelled, for any period, by the Local Government.

Penalty for
neglect to
affix certificate
of survey in
inland steam
vessel

56 If the certificate of survey is not kept affixed in an inland steam-vessel as required by section 10, the owner and the master of the steam-vessel shall each

each be punishable with fine which may extend to one hundred rupees.

57 If the owner or master of an inland steam-vessel, without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under section 14 so to do, he shall be punishable with fine which may extend to one hundred rupees

Penalty for neglect or refusal to deliver up certificate of survey.

58 If an inland steam-vessel has on board or in any part thereof a number of passengers which is greater than the number set forth in the certificate of survey as the number of passengers which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and the master shall each be punishable with fine which may extend to ten rupees for every passenger over and above that number

Penalty for carrying excessive number of passengers on board

59 If any person—

- (a) proceeds on any voyage in an inland steam-vessel as the master or engineer of such vessel without being at the time entitled to, and possessed of, a master's or serang's or an engineer's or engine-driver's certificate, as the case may be, as required under this Act, or
- (b) employs as the master or engineer of an inland steam-vessel any person without ascertaining that he is at the time entitled to, and possessed of, such certificate,

Penalty for serving, or engaging a person to serve, as master or engineer without certificate

he shall be punishable with fine which may extend to five hundred rupees

60. If any master wilfully fails to give notice, as required by section 32, of any wreck, abandonment, damage, casualty, or loss, he shall be punishable with fine which may extend to five hundred rupees, and, in default of payment of such fine, with simple imprisonment for a term which may extend to three months

Penalty for master failing to give notice of wreck or casualty

61 If any person, whose certificate is suspended or cancelled under this Act, fails to deliver up the certificate as required by section 46, he shall be punishable

Penalty for failing to deliver up suspended or cancelled certificate.

punishable with fine, which may extend to five hundred rupees.

Penalty for taking or delivering or tendering for carriage dangerous goods on board inland steam vessel without notice

62 If any person, in contravention of section 50, takes with him on board any inland steam-vessel any dangerous goods, or delivers or tenders any such goods for carriage on any inland steam-vessel, he shall be punishable with fine which may extend to two hundred rupees, and the goods shall be forfeited to Government

Penalty for misconduct or neglect endangering inland steam vessel or life or limb

63. If any person employed or engaged in any capacity on board an inland steam-vessel, by wilful breach or by neglect of duty, or by reason of drunkenness—

- (a) does any act tending immediately to wreck, destroy or materially damage the vessel, or to endanger the life or limb of any person on board, or belonging to the vessel, or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any such person from immediate danger to life or limb,

he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both

Levy of fine by distress of inland steam vessel

64. Where the owner or master of an inland steam-vessel is convicted of an offence under this Act or any rule made thereunder committed on board, or in relation to, that steam-vessel, and is sentenced to pay a fine, the Magistrate who passes the sentence may direct the amount of the fine to be levied by distress and sale of the steam-vessel and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Jurisdiction of Magistrates.

65. Except in the case of an offence against any rule made under section 53, no Magistrate shall try an offence under this Act, or any rule made thereunder, unless he is a Presidency Magistrate, or a Magistrate whose powers are not less than those of a Magistrate of the first-class.

66. If

66. If any person commits an offence against this Act or any rule made thereunder, he shall be triable for the offence in any place in which he may be found or which the Local Government, by notification in the local official Gazette, appoints in this behalf, or in any other place in which he might be tried under any other enactment for the time being in force. Place of trial.

CHAPTER VIII.

SUPPLEMENTAL.

67. (1) The Local Government may make rules to carry out the purposes of this Act not otherwise specially provided for. Power for Local Government to make general rules

(2) Any rule made under this section may contain a provision that any person committing a breach of it shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

68 The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that all or any of the provisions of Chapters II and III shall not apply in the case of any specified class of steam-vessels, or shall apply to them with such modifications as may be specified in the notification. Power for Local Government to modify application of Act to certain inland steam vessels.

69 Save in so far as the Governor General in Council may, by notification in the Gazette of India, otherwise direct, nothing in this Act, or any rule made thereunder, shall apply to any inland steam-vessel belonging to, or in the service of, His Majesty or the Government of India. Exemption of His Majesty's and Government vessels

70 The Local Government may, by notification in the local official Gazette, define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act. Power for Local Government to define tidal water

71. All fees payable under this Act may be recovered as fines under this Act. Fees recoverable as fines

72 (1) Subject

Certificated
masters of in-
land steam-
vessels to be
deemed pilots
under section
31 of Act XV
of 1908

72. (1) Subject to the provisions of section 31, every master of an inland steam-vessel who possesses a master's certificate granted under this Act and in force shall, in ports to which section 31 of the Indian Ports Act, 1908, has been extended, be deemed, for ^{Act XV of 1908} the purposes of that section, to be the pilot of the steam-vessel of which he is in charge.

(2) Nothing in this section shall be deemed to affect the provisions of Bombay Act I of 1863 (*An Act for the registry of vessels and levy of pilotage fees on the river Indus*), which require persons in charge of vessels passing through any of the channels or tidal channels at the mouths of the river Indus to pay fees for pilotage.

Application
of Act to
vessels propel-
led by electrici-
ty or other
mechanical
power.

73. The provisions of this Act shall also apply to all vessels which ordinarily ply on inland waters and are propelled by electricity or other mechanical power (except steam) :

Provided that the Governor General in Council may, by notification in the Gazette of India, declare that any provision of this Act shall, in its application under this section to such vessels, be subject to such modifications, for the purposes of adaptation, as may be specified in the notification.

Publication
of rules

74 (1) The power to make rules conferred on a Local Government by this Act is subject to the condition of the rules being made after previous publication.

(2) All such rules shall, when made, be published in the local official Gazette, and shall thereupon have effect as if enacted in this Act.

Repeals and
savings

75. The enactments mentioned in Schedule II are repealed to the extent specified in the fourth column thereof.

Provided that all declarations, investigations and surveys made and certificates granted, suspended or cancelled under any of those enactments shall be deemed to have been respectively made, granted, suspended or cancelled under this Act.

SCHEDULE I.

SCHEDULE I

RATES OF FEES

[See sections 6 (a) and 19 (d)]

			Tons	Rs
For steam vessels of less than	.	.	100	25
" "	100 tons and up to	.	200	40
" "	200 " " "	.	300	50
" "	350 " " "	.	700	60
" "	700 " " "	.	1,000	80
" "	1,000 " " "	.	1,500	100
" "	1,500 " and upwards	.	.	120

SCHEDULE II

ENACTMENTS REPEALED

(See section 75)

Year	No	Short title	Extent of repeal
1884	VI	The Inland Steam-vessels Act, 1884	So much as is unrepealed
1890	III	The Inland Steam ships Law Amendment Act, 1890	In the title the figures and word " VI and " In the preamble the words and figures " the Inland Steam vessels Act, 1884, and " The heading " <i>Inland Steam vessels Act, 1884</i> ' before section 1 Sections 1, 2, 4 (so much as is unrepealed), 6, 7, 8, 12, 13 and 14
1891	XII	The Amending Act, 1891.	In the Second Schedule, Part I, the entries relating to Act VI of 1884, and Act III of 1890
"	XIII	The Inland Steam-vessels Act (1884) Amendment Act, 1891.	So much as is unrepealed

SCHEDULE II.

SCHEDULE II—*concl'd*ENACTMENTS REPEALED—*concl'd**(See section 75)*

Year	No	Short title	Extent of repeal
1897 .	XIV	The Indian Short Titles Act, 1897	In the Schedule, the entry relating to Act XIII of 1891
1899	VII	The Inland Steam-vessels Act (1884) Amendment Act, 1899	So much as is unrepealed
1900 .	VI	The Lower Burma Courts Act, 1900	In the Second Schedule, the entry relating to Act VI of 1884
1909 .	I	The Indian Steam-ships Law Amendment Act, 1909	In the title and the preamble the words "the Inland Steam vessels Act, 1884, and " The heading " <i>The Inland Steam vessels Act, 1884</i> " before section 2, and section 2
1914	X	The Repealing and Amending Act, 1914	In the Second Schedule, the entries relating to Act XIII of 1891, and Act VII of 1899
1915	XV	The Inland Steam-vessels (Amendment) Act, 1915	The whole Act

ACT NO. II OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 16th
February, 1917)*

An Act to provide for the imposition and levy
of certain duties on motor spirit.

WHEREAS it is expedient to impose an excise
duty and to increase the existing customs
duty on motor spirit, It is hereby enacted as fol-
lows.—

1. (1) This Act may be called the Motor Spirit Short titles
extent and
duration
(Duties) Act, 1917,

(2) It extends to the whole of British India, and

(3) It shall remain in force during the continuance
of the present war, and for a period of six months
thereafter

2 “Manufactory” means any place where Definitions
motor spirit is refined or otherwise prepared.

“Motor spirit” means any inflammable hydro-
carbon (including any mixture of hydro-carbons or
any liquid containing hydro-carbon) which is capable
of being used for providing reasonably efficient
motive power for any form of motor vehicle.

3. (1) There shall be levied and collected at every Imposition of
excise duty
on motor
spirit manu-
factured in
British India
manufactory in British India on all motor spirit
produced in such manufactory, a duty at the rate of
six annas on each imperial gallon

Explanation.—Motor spirit is said to be produced,
within the meaning of this section, when it is issued
out of the premises of the manufactory

(2) If any duty payable under sub-section (1) is
not paid within the time fixed by a notice issued in
accordance

accordance with any rules made under this Act, the authority to which such duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty so unpaid, which such authority may in its discretion think it reasonable to require.

(3) All sums recoverable under sub-section (1) shall be recovered in the manner prescribed in the Indian Income-tax Act, 1886, section 30, sub-sections (1), (2) and (3), with respect to the sums therein referred to II of 1886

Issue of motor
spirit after
commence-
ment of Act

4. (1) After the commencement of this Act, no person shall issue any motor spirit out of the premises of any manufactory, except in accordance with the provisions of rules made under this Act in that behalf, or, until such rules are made, in accordance with the general or special orders of the Local Government.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to rupees one thousand, or to a sum double the amount of the duty payable on any motor spirit so issued, whichever is greater

Application of
Sea Customs
Act and rule-
making
power

5. (1) The Governor General in Council may, by notification in the Gazette of India, declare that any of the provisions of the Sea Customs Act, 1878, relating to the levy of and exemption from, custom duties, drawback of duty, warehousing, offences and penalties, confiscation, and the procedure relating to offences and appeals shall, with such modifications and alterations as he may consider necessary or desirable to adapt them to the circumstances, be applicable in regard to like matters in respect of the duty on motor spirit imposed by section 3, and may further, for the purpose of providing for the assessment and collection of the said duty and for purposes ancillary thereto, make rules— VIII of 1878.

- (2) imposing on owners of manufactories the duty of furnishing returns and keeping records and books, prescribe the forms of such returns, records and books and the particulars to be contained therein respectively, and the manner in which the same are to be verified and

and all such other conditions thereof as may be necessary,

- (ii) providing for the regulation of the issue of motor spirit out of manufactories, the assessment of the duty, and the issue of notices requiring payment and for the recovery of unpaid duty;
- (iii) providing for the inspection of manufactories and for the taking of samples, and for the making of tests of any substance produced therein;
- (iv) generally carrying into effect the purposes hereinbefore specified.

(2) In making any rule under the rule-making power hereinbefore conferred, the Governor General in Council may declare that any breach thereof shall be punishable with fine which may extend to rupees five hundred.

VIII of 1894 **6** In addition to the duty imposed by section 3 of the Indian Tariff Act, 1894, as subsequently amended, read with Schedule II of the said Act, there shall be levied and collected at every port to which that Act applies a duty at the rate of six annas on each imperial gallon of motor spirit, and this additional duty shall be deemed to be a duty imposed under section 3 of the said Act, and that Act shall apply accordingly

Imposition of additional duty on motor spirit imported into British India.

ACT No. III OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 28th
February, 1917)*

An Act to constitute an Indian Defence Force,
and for other purposes.

WHEREAS it is necessary to constitute an Indian Defence Force, and compulsorily to enrol for service in that Force certain European British subjects; and

Whereas in the case of others, it is deemed sufficient for the present to take powers to enrol for such service only such persons as may offer themselves for enrolment; It is hereby enacted as follows,—

Short title,
extent and
duration

1. (1) This Act may be called the Indian Defence Force Act, 1917

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Pargannas, and applies also to European British subjects within the territories of any Native Prince or Chief in India.

(3) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

Definitions

2 In this Act, unless there is anything repugnant in the subject or context,—

“European British subject” means a European British subject as defined in the Code of Criminal Procedure, 1898, and shall, for the purposes of this Act, be deemed to include every person who, before the third day of March, 1917, has filled up, signed and lodged Form A with the Registration Authority under

V of 1898

I of 1917 under the Registration Ordinance, 1917, and also every person who at the commencement of this Act is a member of a corps of volunteers constituted under the Indian Volunteers Act, 1869;

XX of 1869

“Prescribed” means prescribed by rules made under this Act.

3. Every male European British subject who, on the first day of February, 1917, was ordinarily resident in India or thereafter becomes so resident, and who for the time being has attained the age of eighteen years and has not attained the age of forty-one years, and who is not within the exceptions set out in the Schedule to this Act, shall be deemed to be enrolled for general military service within the meaning of this Act.

Obligation of
general
military
service

Provided that, if any person referred to in this section whilst engaged in actual military employment, of which fact the Commander-in-Chief in India shall be the sole judge, attains the age of forty-one years, such person shall continue to serve for such additional period not exceeding one year as the prescribed military authority may direct.

4 Every male European British subject who, on the first day of February, 1917, was ordinarily resident in India, or thereafter becomes so resident, and who for the time being has attained the age of forty-one years but has not attained the age of fifty years, and who is not within the exceptions set out in the Schedule to this Act, shall be deemed to be enrolled for local military service within the meaning of this Act.

Obligation of
local military
service

5. Every male European British subject who, on the first day of February, 1917, was ordinarily resident in India, or thereafter becomes so resident, and for the time being has attained the age of sixteen years but has not attained the age of eighteen years, shall be deemed to be enrolled for local military service, but shall only be liable to such military training as may be provided for by regulations made under this Act, and shall not be liable to any other form of military service.

Obligation of
local military
service and
liability to
military
training

6. Every

Obligation on
persons
enrolled for
military
service

6. Every person deemed to be enrolled for military service, whether local or general, shall, as from the commencement of this Act, be deemed to be enrolled in the Indian Defence Force, and may be appointed to such corps or unit thereof as he may thereafter be assigned to, and shall, if he is a person deemed to be enrolled for general military service, be liable to serve in any part of India."

Obligation on
persons
enrolled for
local military
service

7. Every person deemed to be enrolled for local military service shall be subject to any rules and regulations relating to that service which may be made under this Act :

Provided that no such rule or regulation shall require any such person to serve outside the limits of the prescribed local area.

Obligation on
persons
enrolled for
general
military
service

8. (1) Every person deemed to be enrolled for general military service shall be subject to any rules and regulations relating to that service which may be made under this Act.

(2) Every such person, when called out in the prescribed manner for general military service, shall be subject to the provisions of the Army Act and any orders or regulations made thereunder, whereupon the said Act, orders and regulations shall apply to him as if the same were enacted in this Act, and as if such person held the same rank in the Army as he holds for the time being in the Indian Defence Force. ^{44 & 45 Vict, c 58.}

Determina-
tion of
disputes as to
residence and
age

9. If any question arises, with reference to this Act, whether any person is a European British subject within the meaning of this Act, or is "ordinarily resident" in British India, or is within the exceptions set out in the Schedule or as to the age of any person, the prescribed authority, or a person authorised in this behalf in writing by that authority, shall apply to the District Magistrate or to an officer specially empowered in this behalf by the Local Government, in the district or local area in which the person to whom the dispute relates is for the time being, and such Magistrate or other officer after hearing such person or giving him a reasonable opportunity of being heard, shall

shall summarily determine the question, and the decision of such Magistrate or other officer shall be final for all the purposes of this Act :

I of 1917

Provided that if any question referred to in this section has been decided in accordance with the procedure provided in the Registration Ordinance, 1917, such decision shall be deemed to be a decision under this section of this Act

10 If any person who is deemed to be enrolled for military service, whether local or general, disobeys any notice or order calling him out for such service, any District or Chief Presidency Magistrate may, on the application of the prescribed authority, or of a person authorized in this behalf in writing by that authority, cause such person to be arrested and brought before him, and if the Magistrate is satisfied that he is a person to whom section 3, 4 or 5 of this Act applies, and who has been called out for such service, the Magistrate without prejudice to any penalty which such person may have incurred shall make over such person to the custody of the military authorities.

Arrest of persons under obligation for military service

11 (1) Application may be made to the prescribed authority by, or (subject to rules made under this Act) in respect of, any person referred to in section 3, 4 or 5, for the issue to him of a certificate of exemption under the provisions of this Act on any of the following grounds, namely.—

Certificate of exemption

(a) that it is expedient in the national interest that he should instead of being employed in military service be engaged in other work ; or

(b) if he is being educated or trained for any work that it is expedient in the national interest that he should continue to be so educated or trained ; or

(c) ill-health or infirmity ;

and the prescribed authority, if it considers the grounds of the application established, shall grant such a certificate.

(2) The Governor General in Council may also, by order in writing, direct the issue to such persons

or

or class of persons, as he thinks fit, of certificates of exemption if he is satisfied that such a course is desirable in the national interest.

(3) Any certificate of exemption may be absolute, conditional, or temporary, and may be renewed, varied or withdrawn at any time by the authority which granted it, and may provide that a person liable to general military service shall perform local military service.

Provided that every conditional or temporary certificate shall state the conditions under which or the period for which it is granted.

(4) If, for the purpose of obtaining exemption for himself or any other person, or for the purpose of obtaining the renewal, variation, or withdrawal of a certificate, any person makes a false statement or false representation, to any authority under this section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

Enrolment of
persons other
than Euro-
pean British
subjects in the
Indian
Defence
Force for
general mili-
tary service

12 (1) The Governor General in Council may, by notification in the Gazette of India, constitute, in any local area which he may specify in the notification, corps or units for the enrolment in the Indian Defence Force of persons other than European British subjects, who satisfy the prescribed conditions and, within six months from the commencement of this Act, offer themselves for enrolment for general military service, and such persons may be enrolled accordingly in the prescribed manner.

(2) Every person enrolled in a corps or unit constituted under sub-section (1) shall be liable to serve in any part of India, shall be subject to all rules and regulations that may be made under this Act relating to his corps or unit, and shall not quit such corps or unit except in the prescribed manner.

(3) Every such person shall, when called out in the prescribed manner for general military service, be subject to the Indian Army Act, 1911, and the rules made thereunder, whereupon the said Act and rules shall apply to him as if he held the same rank

VIII of 1911.

in the Indian Army as he holds for the time being in the Indian Defence Force

13 (1) The Governor General in Council may ^{Power to make rules.} make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe authorities for the purposes of sections 9 and 10 ;
- (b) constitute authorities and prescribe the procedure of such authorities for the purpose of considering applications for exemption from military service ;
- (c) prescribe the time within which, and the form in which, such application may be made, and the persons other than the person to be exempted by whom it may be made,
- (d) prescribe the conditions subject to which persons other than European British subjects should be permitted to offer themselves for general military service ;
- (e) prescribe the military or other obligations to which persons or any class of persons enrolled or deemed to be enrolled under this Act shall respectively be liable ; constitute or specify Courts for the trial and punishment of breaches of such obligations ; prescribe the procedure to be followed by such Courts, and provide for the enforcement or carrying out of the orders or sentences of such Courts ;
- (f) provide for the medical examination of persons liable to general military service ;
- (g) provide for the calling out and all purposes ancillary thereto of persons or any class of persons liable to general military service, and constitute authorities for the purpose of assisting in the selection of persons to be so called out ; and
- (h) provide for any matter in this Act directed to be prescribed.

(3) Rules

(3) Rules made under this section may provide that any contravention thereof or of any order or notice issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both

(4) All rules made under this Act shall be published in the Gazette of India, and, on such publication, shall have effect as if enacted in this Act

Summary
and minor
punishments

14. (1) The Commander-in-Chief in India may, subject to the control of the Governor General in Council, specify the summary and minor punishments for breach of any rule made under this Act to which persons enrolled or deemed to be enrolled under this Act shall be liable, without the intervention of a Court, and the officer or officers by whom and the extent to which such summary and minor punishments may be awarded.

(2) No punishment exceeding in severity imprisonment in military custody for a period of seven days shall be imposed as a summary punishment, and no punishment involving any kind of imprisonment shall be imposed as a minor punishment.

Power to
make regula-
tions

15. (1) The Commander-in-Chief in India may make regulations providing generally for all details connected with the organization, personnel, duties, and military training of any persons liable to military service or training under this Act

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may—

(a) specify the units, whether of regular troops or any other military force with which any person or class of persons enrolled or deemed to be enrolled under this Act shall serve or undergo military training, or constitute special military units for that purpose ;

(b) specify the courses of training or instruction to be followed by any person or class of persons liable to military service or training under this Act ; and

(c) provide

- (c) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons undergoing military service or training under this Act or to their dependants

(3) Regulations made under this section may provide that any contravention thereof, or of any order or notice issued under the authority of any such regulation, shall be punishable with fine which may extend to five hundred rupees

16. Nothing in this Act shall apply to any person confined in a prison or lunatic asylum.

Act not to apply to persons confined in a prison or lunatic asylum.

17 The Governor General in Council may disband any corps or unit constituted under this Act.

Power to disband corps or unit.

I of 1917

18. The provisions of the Registration Ordinance, 1917, shall be in force during the continuance of this Act, and shall have effect as if they had been enacted in this Act

Provisions of Registration Ordinance, 1917, continued in force

Provided that the following amendments shall be made therein, namely—

(1) In section 3, sub-section (1), of the said Ordinance, for the words “had not attained the age of fifty years on the first day of February, 1917,” the words “who for the time being has not attained the age of fifty years,” shall be substituted.

(2) In Schedule II of the said Ordinance in entry (1) after the word “forces,” the words “or of the Royal Indian Marine Service” shall be inserted, and in entry (2) for the word “British,” the word “religious” shall be substituted.

THE SCHEDULE.

[See sections 3 and 4]

Exceptions.

(1) Members of His Majesty's Naval and Military Forces or of the Royal Indian Marine Service other than

than Volunteers enrolled under the Indian Volunteers' Act, 1869

XX of 1869

(2) Persons in Holy Orders or regular Ministers of any religious denomination.

(3) Persons who have at any time since the beginning of the war been prisoners of war, captured or interned by the enemy, or have been released or exchanged.

ACT No. IV OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 28th February, 1917.)

An Act to authorise the suspension of certain sentences passed by Courts-martial under the Indian Army Act, 1911, and for other purposes.

VIII of 1911 **W**HEREAS it is expedient to authorise the suspension of sentences of imprisonment or transportation passed during the present war on persons subject to the Indian Army Act, 1911, and to make provision for other matters connected therewith; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Army Short title, construction and duration (Suspension of Sentences) Act, 1917, and shall be construed as one with the principal Act.

(2) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

2. In this Act, unless there is anything repugnant Definitions in the subject or context,—

(1) “committed” includes committal to prison and confinement in military custody, and “imprisonment” includes such confinement;

(2) “competent military authority” means a superior military authority, or any general or other officer not below the rank of field officer duly authorised by a superior military authority;

(3) “principal

- (3) "principal Act" means the Indian Army Act, 1911;^{VIII of 1911}
- (4) "sentence" means a sentence of transportation or imprisonment, whether originally passed on a person subject to the principal Act, or passed by way of reduction or commutation; and "sentenced" has the corresponding meaning;
- (5) "superior military authority" means any of the following, namely:—the Commander-in-Chief in India or the Officer Commanding the Army, Army Corps, Division or independent Brigade in which the offender, at the time of his conviction, was serving, and includes the Officer Commanding-in-Chief of any force employed on active service, or any General Officer Commanding an army comprised in that force

Suspension of sentences

3. (1) Where a person subject to the principal Act is sentenced, the confirming officer when confirming the sentence, or, in the case of a sentence which does not require confirmation, the officer holding the trial or the President of the Court-martial when passing sentence may, notwithstanding anything in the principal Act, direct that such person be not committed or dismissed from the service (if liable to such dismissal) until the orders of a superior military authority have been obtained.

(2) A superior military authority may, in the case of any such offender so sentenced,—

(a) direct that such offender shall not be committed until his orders have been obtained;

(b) suspend the sentence whether or not the offender has already been committed.

(3) Where a sentence is suspended under this Act before the offender has been committed, he shall be released if in custody, and, notwithstanding anything

(4) Where a sentence is suspended under this Act after the offender has been committed, he shall be discharged, and the currency of the sentence suspended until he is again committed under the same sentence.

(6) Where a sentence has been suspended under this Act, the case may at any time, and shall at intervals of not more than three months, be reconsidered by a competent military authority, and if, on any such re-consideration, it appears to the competent military authority that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall remit it.

(8) Where an offender whilst a sentence on him is so suspended is sentenced for any other offence, then, if that sentence is also suspended under this Act, the authority ordering the suspension may direct that the two sentences shall run either concurrently or consecutively, provided that the aggregate term of imprisonment to be served under two or more sentences shall not exceed fourteen consecutive years; and where the sentence for such other offence is a sentence of transportation, then, whether or not that sentence is suspended, any previous sentence of imprisonment which has been suspended shall be

avoided,

avoided, in so far as the period of such imprisonment does not exceed that of the transportation

(9) The powers conferred by this Act shall be in addition to, and not in derogation of, any powers as to the mitigation, remission or commutation of sentences conferred by the principal Act, and a superior military authority shall, as regards persons subject to that Act, be an authority having power to mitigate, remit or commute sentences under section 99 of that Act.

ACT No. V OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 28th
February, 1917)*

An Act to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers.

WHEREAS it is expedient to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers ; It is hereby enacted as follows.—

1. This Act may be called the Destruction of Short title.
Records Act, 1917.

2. In this Act—

Definitions.

(1) "The Chief Controlling Revenue-authority" means—

- (a) in the presidencies of Fort William in Bengal and Fort St. George and in the United Provinces and Bihar and Orissa,—the Board of Revenue,
- (b) in the Presidency of Bombay outside Sind and the limits of the town of Bombay,—a Commissioner,
- (c) in Sind,—the Commissioner ;
- (d) in the Punjab and Burma,—the Financial Commissioner ; and
- (e) elsewhere

(e) elsewhere,—the Local Government or such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

(2) “High Court” means the highest Civil Court of appeal in any local area

Power to
certain au-
thorities to
make rules
for disposal
of documents

3 (1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the rules, not of sufficient public value to justify their preservation

(2) The authorities shall be —

(a) in the case of documents in the possession or custody of a High Court or of the Courts of Civil or Criminal jurisdiction subordinate thereto,—the High Court ;

(b) in the case of documents in the possession or custody of Revenue Courts and officers,—the Chief Controlling Revenue-authority ; and

(c) in the case of documents in the possession or custody of any other public officer,—the Local Government or any officer specially authorised in that behalf by the Local Government

(3) Rules made under this section by the High Court of Judicature at Fort William in Bengal shall be subject to the previous approval of the Governor General in Council, and rules made by any other High Court, or by a Chief Controlling Revenue-authority or by an officer specially authorized in that behalf by a Local Government, shall be subject to the previous approval of the Local Government

Validation of
former rules
for disposal
of documents

4. All rules and orders directing or authorising the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by a Local Government, or with the approval of the Local Government by any authority not empowered to make such rules under the Destruction of III of 1879. Records Act, 1879, shall be deemed to have had the force

force of law from the date on which they were made, and all such rules and orders now in force shall continue to have the force of law until they are superseded by rules made under this Act

5. Nothing in this Act shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained. Saving of certain documents

6. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals

THE SCHEDULE

REPEAL OF ENACTMENTS.

(See section 6)

1	2	3	4
Year	Number	Short title.	Extent of repeal
1879	III	The Destruction of Records Act, 1879	The whole
1908	XVI	The Indian Registration Act, 1908.	The words "and also for the destruction of such books, papers and documents as need no longer be kept" in clause (a) of sub-section (1) of section 89
1913	II	The Official Trustees Act, 1913	Clause (ee) of sub-section (2) of section 30
"	III	The Administrator-General's Act, 1913	Clause (ff) of sub-section (2) of section 50

ACT NO. VI OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 7th March,
1917)

An Act further to amend the Indian Tariff Act, 1894

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894; It is hereby enacted ^{VIII of 1894} as follows —

Short title
and retrospec-
tive effect

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1917

(2) It shall be deemed to have come into force on the first day of March, 1917, and any sums due on account of new duties leviable thereunder, or of any deficiency between the duties which have been paid and the duties which are leviable thereunder, shall be deemed to be duties short levied within the meaning of section 39 of the Sea Customs Act, 1878, and that ^{VIII of 1878} Act shall apply accordingly.

Amendment
of Schedule
II of Act
VIII of 1894

2. In Schedule II of the Indian Tariff Act, 1894, ^{VIII of 1894} as subsequently amended (hereinafter called the said Act)—

(i) For item 50 the following shall be substituted, namely :—

"50	SILVER PLATE, silver thread and wire, and silver manufactures, all sorts	<i>Ad valorem</i>	10 per cent "
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(ii) Item 51 is hereby repealed.

(iii) For item 107 the following shall be substituted, namely .—

YARNS

YARNS AND TEXTILE FABRICS.

- "107 YARNS AND TEXTILE FABRICS, that is to say —
 Cotton piece-goods, thread other than sewing or
 darning thread, and all other manufactured
 cotton goods not otherwise specified,
 Flax twist and yarn, and manufactures of flax,
 Haberdashery and millinery,
 Hemp manufactures,
 Hosiery,
 Jute twist and yarn, and jute manufactures,
 excluding second-hand or used gunny bags
 (see No 24),
 Silk yarn, noils and warps, silk thread, silk piece-
 goods and other manufactures of silk,
 Woollen yarn, knitting wool and other manufactures
 of wool including felt,
 All other sorts of yarns and textile fabrics not
 otherwise specified "

3 In Schedule III of the said Act—

Amendment
 of Schedule
 III of Act
 VIII of 1894.

(i) For item 1 the following shall be substituted,
 namely :—

"1	RAW JUTE—		Rs. A
	(1) Cuttings .	Bale of 400 lbs	1 4
	(2) All other descriptions	" " "	4 8 "

(ii) For item 2 the following shall be substituted,
 namely .—

"2	JUTE MANUFACTURES, when not in actual use as coverings, receptacles or bindings for other goods—		Rs A P.
	(1) Sacking (cloth, bags, twist, yarn, rope and twine)	Ton of 2,240 lbs	20 0 0
	(2) Hessians and all other descriptions of jute manufactures not otherwise specified.	"	32 0 0 "

ACT No. VII OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 7th March, 1917)

An Act further to amend the Indian Income-tax Act, 1886.

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1886, It is hereby enacted as follows —

Short title.

1 This Act may be called the Indian Income-tax (Amendment) Act, 1917

Insertion of
new section
14A in Act
II of 1886

2. After section 14 of the Indian Income-tax Act, 1886 (hereinafter called the said Act), the following section shall be inserted, namely —

Notices to
persons with
incomes of
not less than
one thousand

“14A (1) In the case of any person whose income is, in the Collector's opinion, not less than one thousand rupees, the Collector may cause a notice to be served upon him requiring him to furnish, within such period as may be specified in the notice, a return in the prescribed form setting forth (along with such other particulars as may be provided for in the notice) the income accruing to such person during the year ending on the day on which his accounts have been last made up or, if his accounts have not been made up within the year ending on the 31st day of March in the year immediately preceding that for which the assessment is to be made, then the income accruing to him during the year ending on the said 31st day of March

(2) A person making a return required by subsection (1) shall add at the foot thereof a declaration that the income shown in the return is truly estimated on each of the sources therein mentioned, that it has

has actually accrued within the period therein stated, and that the person making the return has no other source of income "

3 For section 18 of the said Act, the following section shall be substituted, namely —

New section 18 substituted in Act II of 1886

" 18 The Collector may include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and may serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list "

Power to modify ordinary procedure

4. In section 25 (1) of the said Act after the words "under Part IV may," the following shall be inserted, namely —

Amendment of section 25 of Act II of 1886

" unless he has knowingly and wilfully failed to comply with the requirements of any notice served upon him under section 14A "

5. After clause (c) of sub-section (1) of section 34 of the said Act, the following shall be inserted, namely —

Amendment of section 34 of Act II of 1886

" (d) to furnish within the specified period a return required of him under section 14A "

6. In section 35 of the said Act, for the words and figures "mentioned in section 18, sub-section (2)," the words and figures "required under section 14A, sub-section (2)" shall be substituted.

Amendment of section 35 of Act II of 1886

7. In section 50A of the said Act the letters and figures " 18 (1) (a), (b), (c) " are hereby repealed.

Amendment of section 50A of Act II of 1886

ACT NO. VIII OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 7th March,
1917)*

An Act to impose a tax on income in addition
to that imposed by the Indian Income-tax
Act, 1886.

WHEREAS it is expedient to impose a tax on
income in addition to that imposed by
the Indian Income-tax Act, 1886; It is hereby II of 1886
enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Super-tax Act,
1917,

(2) It extends to the whole of British India, and
applies also within the dominions of Princes and
States in India in alliance with His Majesty to
British subjects in those dominions who are in the
service of the Government of India, or of a local
authority established in the exercise of the powers
conferred on the Governor General in Council in that
behalf, and

(3) It shall come into force on the first day of
April, 1917

Definitions

2. (1) In this Act, unless there is anything
repugnant in the subject or context,—

“prescribed” means prescribed by rules made
under this Act;

“previous year” means the year ending on the
31st day of March in the year immediately preceding
that in which the assessment is to be made, or, if the
accounts of a person or company have been made up

in the year immediately preceding that in which the assessment is to be made, then, at the option of such person or company, the year ending on the day on which his or its accounts have been so made up

Provided that, if this option has once been exercised by a person or company, it shall not again be exercised so as to vary the meaning of the expression "previous year" as then applicable to such person or company, except with the consent of the Collector and upon such conditions as he may think fit.

II of 1886

"principal Act" means the Indian Income-tax Act, 1886,

"super-tax" means a tax imposed by this Act,

"taxable income" means so much of the total income of any person or company as is in excess of rupees fifty thousand,

"total income" means the income accruing in the previous year from all sources except—

(a) from the sources specified in section 5 (1) (a), (b), (c), (e), (g) and (h) of the principal Act, and

(b) in the case of a Hindu undivided family, so much of the joint income of such family as has been actually expended or paid for the maintenance or other expenses of any member of such family or paid or finally allotted to any such member,

(c) in the case of a firm, so much of the income of the firm as has been paid or finally allotted to any of the members of the firm; and

(d) in the case of a company, so much of the income of the company as has been paid or declared for payment by way of dividends or otherwise to any of its members

Provided that nothing in clause (b), (c) or (d) of this definition shall be deemed to exempt from super-tax any income therein referred to when received

received by any member of such family, firm or company

(2) Words and expressions used in this Act and defined in the principal Act and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them by that Act

Incomes
liable to
super tax
and rate
thereof

3. In addition to the tax imposed by section 4 of the principal Act, there shall be charged and recovered and paid in the year beginning with the 1st day of April, 1917, and in each subsequent year to the credit of the Government of India, or as the Governor General in Council may direct, by every person subject to this Act and by every company, a super-tax upon the taxable income of such person or company computed at the rate specified in the Schedule.

Collector to
determine
persons
chargeable

4. The Collector shall, from time to time, determine what persons and companies are chargeable with the super-tax, and the amount at which every person chargeable shall be assessed.

Provided that, in determining the amount at which a Hindu undivided family, firm or company shall be assessed, the Collector shall allow a deduction from the taxable income of such family, firm or company, of one-tenth of the income from all sources liable to taxation under the principal Act, of such family, firm or company

Power to call
for returns

5. (1) In the case of a person or company whose total income is in the Collector's opinion of an amount chargeable with super-tax, the Collector, instead of or in addition to the notice referred to in section 14A of the principal Act, may cause a notice to be served upon him or it requiring him or it to furnish, within such period as may be specified in the notice, a return in the prescribed form with a declaration annexed thereto to the same effect as that required to be annexed to a return under the said section, setting forth the total income in the previous year of such person or company, and such further particulars as may be provided for by such form

(2) Every notice issued under sub-section (1), and every return and declaration required by such notice,

notice, shall be deemed respectively to be a notice issued and a return and declaration required under section 14A of the principal Act, and the provisions of sections 34, 35 and 36 of that Act shall apply accordingly

(3) Where a return is furnished in accordance with the terms of a notice under this section or under section 14A of the principal Act, the assessment to be made by the Collector shall be made after considering such return. If no such return is furnished, such assessment shall be made after such inquiries as the Collector thinks fit have been carried out.

6. In the case of a person or company who, in the Collector's opinion, is chargeable with super-tax, the Collector shall cause a notice to be served on him or it stating the following particulars, namely —

Notice to
persons
chargeable
with super
tax

- (a) his or its name and the source or sources of the income in respect of which he or it is chargeable,
- (b) the year or portion of the year for which the tax is to be paid;
- (c) the place or places, district or districts where the income accrues,
- (d) the amount to be paid, and
- (e) the places where and the person to whom the amount is to be paid,

and requiring him or it to pay within sixty days from the date specified in the notice the amount stated therein as payable by him or it, or to apply to the Collector within thirty days from that date to have the assessment reduced or cancelled :

Provided that, if in accordance with any rules made under this Act super-tax is payable in any case by instalments, the notice shall specify the date on which each instalment falls due, and shall require him or it to pay such instalment within the prescribed period from that date, or to apply as aforesaid to the Collector within thirty days of the date on which the first instalment falls due

7. Every

Time and
place of
payment

7. Every amount specified as payable in a notice served under section 6 shall be paid within the time, at the place and to the person mentioned in the notice

Application
of provisions
of Act II of
1886

8. Subject to the provisions of this Act—

(a) the provisions of sections 20 to 24 of the principal Act shall apply in the case of super-tax as if that tax were income-tax chargeable under Part IV of the principal Act,

(b) the provisions of Chapter IV of the principal Act shall apply to the revision of assessment to super-tax as if that tax were income-tax chargeable under Part IV of the principal Act

Provided that the time within which the petition referred to in section 25 (2) of the principal Act shall ordinarily be presented shall be the period specified in the notice served under section 6 of this Act, and that the form of the petition shall be modified in such manner as may be necessary to adapt it for the purposes of this Act, and

(c) the provisions of Chapter V of the principal Act and of sections 32, 37 and 39 to 50A of the principal Act shall, as far as may be, apply, in regard to the matters mentioned therein, in the case of the super-tax as if that tax were income-tax chargeable under the principal Act.

Rule-making
power

9. (1) The Governor General in Council may make rules consistent with this Act for ascertaining and determining the taxable income of any person or company thereunder, for preventing disclosure of particulars contained in documents delivered or produced with respect to such assessments, for prescribing the procedure that is to be followed on applications for refund of super-tax, for providing for the payment of that tax by instalments, and generally for carrying out

out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government

(2) In making a rule for preventing the disclosure of any particulars referred to in sub-section (1), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code .

XLV of 1860

Provided that a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government

(3) Rules made under this section shall be published in the official Gazette

SCHEDULE

In respect—

(1) of the first fifty thousand rupees of taxable income—
one anna in the rupee ,

(2) of the next fifty thousand rupees of taxable income—one
and a half annas in the rupee ,

(3) of the next fifty thousand rupees of taxable income—
two annas in the rupee ,

(4) of the next fifty thousand rupees of taxable income—
two and a half annas in the rupee ,

(5) of all taxable income over two lakhs of rupees—three
annas in the rupee.

ACT NO. IX OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 13th
March, 1917)*

An Act to amend the Indian Bills of Exchange Act, 1916

WHEREAS it is expedient to amend the Indian XIV of 1916.
Bills of Exchange Act, 1916, It is hereby
enacted as follows.—

Short title
and duration

1. (1) This Act may be called the Indian Bills
of Exchange (Amendment) Act, 1917.

(2) It shall be in force during the continuance
of the present war, and for a period of six months
thereafter

Amendment
of section 2
of Act XIV
of 1916

2. In section 2 of the Indian Bills of Exchange XIV of 1916
Act, 1916, before the word “payment”, wherever
that word occurs in the said section, the words
“acceptance or” shall be inserted.

ACT NO. X OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 21st March, 1917)

An Act further to amend the Indian Army Act, 1911

VIII of 1911 **WHEREAS** it is expedient further to amend the Indian Army Act, 1911, It is hereby enacted as follows .—

1. This Act may be called the Indian Army Short title (Amendment) Act, 1917

VIII of 1911 2. In section 52 of the Indian Army Act, 1911 Amendment of section 52 of Act VIII of 1911 (hereinafter referred to as "the said Act"), after the words "in such manner," the words "and to such extent" shall be inserted

3. After section 52 of the said Act, the following Insertion of new section 52A in Act VIII of 1911. section shall be inserted, namely :—

" 52A (1) In the case of all persons subject to Provision for dependants of prisoners of war this Act, being prisoners of war, whose pay and allowances have been forfeited under section 50, but in respect of whom a remission has been made under section 52, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

(2) Any payments hitherto made to dependants by way of deductions from pay and allowances which, if this section had been in force, could have been validly made are hereby validated."

4. In

Amendment
of section 76
of Act VIII
of 1911

4. In section 76 of the said Act, in sub-section (1), the words "held by the Commanding Officer of a Corps or department" and sub-section (2), are hereby repealed.

Substitution
of new section
for section
112 of Act
VIII of 1911
Pardons and
remissions.

5. For section 112 of the said Act, the following section shall be substituted, namely :—

" 112 When any person subject to this Act has been convicted by a Court-martial of any offence, the Governor General in Council or the Commander-in-Chief in India or, in the case of a sentence which he could have confirmed or which did not require confirmation, the Officer Commanding the Army, Division or Independent Brigade in which such person at the time of his conviction was serving, or the prescribed officer may—

- (1) pardon the person ;
- (2) mitigate or remit the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act,
- (3) order the restoration to him of any service or other advantage forfeited under his sentence,
- (4) re-admit him to the service when he has been dismissed therefrom .

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the Court "

Amendment
of section 113
(2) of Act
VIII of 1911

6. In section 113 (2) of the said Act, the following sub-head shall be inserted, namely :—

" (ii) The constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 52A, and the due carrying out of such decisions."

ACT NO. XI OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 21st March, 1917)

An Act to consolidate the enactments amending, temporarily, the Indian Paper Currency Act, 1910.

II of 1910 WHEREAS it is expedient to consolidate the enactments amending, temporarily, the Indian Paper Currency Act, 1910 ; It is hereby enacted as follows —

1. (1) This Act may be called the Indian Paper Currency (Temporary Amendment) Act, 1917. Short title and extent.

(2) It shall be in force during the continuance of the present war, and for a period of six months thereafter.

II of 1910 2. Section 22 of the Indian Paper Currency Act, 1910 (hereinafter called "the said Act"), shall be construed as if for the words "one hundred and forty millions" in that section, the words "two hundred millions" and for the words "forty millions" in the proviso to that section, the words "one hundred millions" were substituted. Amendment of section 22 of the Indian Paper Currency Act, 1910

40 Vict, c 2. 3. Notwithstanding anything in sections 19 and 22 of the said Act, the Governor General in Council may direct that currency notes shall be issued for an additional amount, not exceeding at any time three hundred millions of rupees, against Treasury Bills, as defined in the Treasury Bills Act, 1877, equivalent in value thereto and held by the Secretary of State for India in Council as a reserve to secure the payment of such notes or of other currency notes of like amount. Special power to issue currency notes against British Treasury Bills

4 Notwithstanding

Power to
include
securities
created by
Government
of India in
reserve pro-
vided for by
the said Act

4. Notwithstanding anything to the contrary in the said Act, any securities created by the Government of India and issued to the Head Commissioner of Paper Currency shall, for the purposes of the said Act, be deemed to be securities purchased by the Governor General in Council, and the market-price, on the day such securities are issued to the Head Commissioner of Paper Currency, of similar securities shall be deemed to be the price at which the securities so created were purchased; and all references to securities so purchased, wherever occurring in the said Act, shall be deemed also to refer to securities so created, and all references to sums expended in such purchases or to prices paid therefor shall be deemed, in the case of securities so created, to refer to such market-price, and the said Act shall be construed accordingly.

Repeal of Act
V of 1915,
Act IX of
1916, and
Ordinance
VII of 1916

5. The Indian Paper Currency (Temporary V of 1915
Amendment) Act, 1915, the Indian Paper Currency IX of 1916.
(Temporary Amendment) Act, 1916, and the Second VII of 1916.
Indian Paper Currency (Further Amendment) Ordi-
nance, 1916, are hereby repealed.

ACT NO. XII OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 21st
March, 1917)

An Act to validate certain deeds of conveyance
and a trust deed relating to certain pro-
perties of His late Majesty, Wajid Ali
Shah, King of Oudh, and for other pur-
poses

WHEREAS doubts have arisen as to the valid-
ity of three deeds of conveyance, all dated
the 23rd November 1901, and a deed of declaration of
trust of the same date, copies of which are set out in
the Schedule to this Act, and all of which deeds pur-
port to relate to certain properties then or formerly of
His late Majesty, Wajid Ali Shah, King of Oudh
(hereinafter, in this Act, called the late King), and in
the case of the said trust deed to declare the trusts of
a certain Emambarra, mosque and burial ground, and
for the up-keep and maintenance thereof to constitute
a certain Endowment Fund hereinafter in this Act
referred to as the Sibtainabad Endowment Fund ;

And Whereas by the said trust deed it was re-
cited or assumed *inter alia* that a share amounting to
rupees two hundred thousand in a certain Government
Promissory Note No 018878 for rupees five hundred
thousand standing in the name of Malki Kisshore
and deposited in the Government Treasury at
Lucknow belonged to the estate of the late King, and
that the said share was to form a part of the Sibtaina-
bad Endowment Fund, and the interest thereon to be
applied with the interest of certain other securities in
the

the said trust deed referred to for the up-keep and maintenance of the said Emambarra, mosque and burial ground ;

And Whereas all interest from the 1st of March 1901 to the 31st of December 1913 payable in respect of the said share of rupees two hundred thousand in the said Note has been paid and credited to the Sibtainabad Endowment Fund along with the interest of the said other securities and the said Emambarra, mosque and burial ground have been kept up and maintained thereout ;

And Whereas it now appears that the said share of rupees two hundred thousand did not, in fact, belong to the estate of the late King, and that on his death the interest thereon was or was intended to be payable to certain of the issue of the said Malkai Kisshore, and that the inclusion of the interest of the said share in the Sibtainabad Endowment Fund was due to a misapprehension ;

And Whereas there is now standing to the credit of the Sibtainabad Endowment Fund the sum of rupees seventy-seven thousand eight hundred and fifty-six being the accumulated balance after providing for the up-keep and maintenance of the said Emambarra, mosque and burial ground ;

And Whereas it is expedient that the said deeds of conveyance and the said trust deed and all acts and things done thereunder should be validated, and that at the same time it should be formally declared that the said share of rupees two hundred thousand no longer forms a part of the Sibtainabad Endowment Fund, and that the interest thereon shall be made available as from the 1st of January 1914, for the persons who may hereafter be deemed entitled thereto under the provisions hereinafter appearing ;

And Whereas it is just and equitable that the said sum of rupees seventy-seven thousand eight hundred and fifty-six should be released from the trusts of the said trust deed and should also be made available for distribution amongst the persons so entitled,

And

And Whereas it is also expedient to provide for the future management and distribution of the said share of rupees two hundred thousand and of the interest accrued due since the 1st of January 1914, and hereafter accruing due from time to time in respect thereof and also for the distribution of any future surplus monies which may accrue to the said Sibtainabad Endowment Fund after providing for the up-keep and maintenance of the said Emambarra, mosque and burial ground;

It is hereby enacted as follows —

1. This Act may be called the King of Oudh's Short title. Estate Validation Act, 1917.

2. Notwithstanding anything contained in any enactment or any rule of law to the contrary, the three deeds of conveyance and the trust deed, copies of which are set out in the Schedule, and all acts and things done under the said deeds are, save as is hereinafter provided, validated and confirmed. Validation of certain deeds

Provided that, with effect from the 1st of January 1914, the said trust deed shall be construed as if no reference had been made therein to the share of rupees two hundred thousand of the said Government Promissory Note, and as if the sum of rupees thirteen thousand six hundred and thirty-four had been mentioned in the twelfth recital thereof instead of the sum of rupees sixteen thousand, and the sum of rupees four hundred thousand instead of the sum of rupees six hundred thousand, and with such further alterations and modifications as this construction may require.

3. The sum of rupees seventy-seven thousand eight hundred and fifty-six shall be released from the trusts of the said trust deed, and shall be paid from the surplus monies of the said Sibtainabad Endowment Fund to such officer as the Governor General in Council may appoint, and shall be distributed in the manner hereinafter provided. Payment of Rs 77,856 from the Fund

4. The sum referred to in section 3 and any further sums which the Governor General in Council may at any time declare to be surplus monies of the Distribution Sibtainabad

Sibtainabad Endowment Fund as he is hereby empowered to do, and all sums payable in respect of interest on the said share of the said Government Promissory Note accrued due since the 1st of January 1914, or hereafter to accrue due from time to time in respect thereof, are hereby declared to be pensions, and the said share of the said note is hereby declared to be a grant of money within the meaning of the Pensions Act, 1871, and that Act shall apply to such sums as if they were pensions of the classes referred to in sections 4 and 11 of the said Act and to the said share as if it was a grant of the class referred to in section 4 of the said Act, subject, however, to the following modifications, namely —

- (i) any claim under section 5 of the said Act as applied shall be preferred to such officer as the Local Government may authorise in this behalf;
- (ii) the power of commutation conferred by section 10 of the said Act shall be exercisable without the consent of the holder where the payment to be made is at a rate less than a rate of rupee one per month; and
- (iii) the power to make rules conferred by sections 5 and 14 of the said Act shall extend to a power to make rules prescribing the persons or classes of persons to whom, and the principles on which, all distributions under this Act shall be made

THE SCHEDULE.

THE SCHEDULE

Dated 23rd November, 1901

H C. EGGAR, Esq ,

Agent under Act XIX of 1887

to

PRINCE KUMAR KADER MIRZA AND OTHERS.

CONVEYANCE

H C EGGAR,

Solicitor to the Government of India.

FIVE RUPEES.

ADMISSIBLE UNDER RULE 41

*Correctly stamped under the Indian Stamp Act.
Schedule I, No 62.*

Fee paid		Rs
A		10
G A		10
L		10
		<hr/>
		50
B L		
CHANDRA,		
Registrar		

THIS INDENTURE made the twenty-third day of November one thousand nine hundred and one between Henry Cooper Egggar Solicitor to the Government of India and Agent under Act XIX of 1887 (hereinafter called the Agent) of the one part and Prince Kumar Kader Mirza Mahomed Abid Ali of Kidderpore the eldest surviving son of His Majesty the late Wajid Ali Shah King of Oudh and Prince Mirza Mahomed Jalall of 10 Shama Churn Dey's Street Calcutta and Prince Mirza Dilwar Jah of Garden Reach both sons of the said Wajid Ali Shah

King

King of Oudh of the other part WITNESSETH that by direction of the Governor General of India in Council and under the provisions of sub-section (1) of section I of Act XIX of 1887 of the Legislative Council of India (being an Act to provide for the due administration of the estate of the said Wajid Ali Shah King of Oudh) and the provisions of Act XIV of 1888 of the same Council the Agent doth hereby grant convey and assign unto the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall and Mirza Dilwar Jah their heirs executors administrators representatives and assigns without any warranty of title all that piece or parcel of land belonging to the estate of the said Wajid Ali Shah King of Oudh and which has been used as a burial ground for the members of his family and is in the Schedule hereto more particularly described together with all buildings and walls and all ways, paths, passages, trees, shrubs and underwoods, tanks, waters, watercourses, drains, rights, easements, appendages and appurtenances thereto belonging and therewith usually held used occupied or enjoyed and all the estate right title and interest of the Agent of in and to the same premises TO HAVE AND TO HOLD the said piece or parcel of land hereditaments and premises unto and to the use of the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall and Mirza Dilwar Jah as joint tenants and not as tenants in common according to the nature and tenure thereof respectively and the Agent enters into no covenant for title.

The Schedule above referred to

All that piece or parcel of land situate on the north side of Circular Garden Reach Road at Garden Reach in the Registration District of the twenty-four Pergunnahs Sub-District of Alipore and Thana Sonai Bazar containing an area of 19 bighas 8 cottahs and 1 chittack or thereabouts and which is surrounded on all sides by walls and is bounded as follows that is to say on the north by the premises of the North-West Soap Company Limited on the east by the premises
and

and land of Baboo Durga Prosonno Ghose on the South by Circular Garden Reach Road and on the west by the premises of Prince Mirza Jam Jah Ali known as Futteh Munzil or howsoever otherwise the said premises are or may be butted bounded called known or distinguished.

IN WITNESS whereof the said parties to these presents have hereunto set their respective hands and seals the day and year first above written.

Signed sealed and
delivered by the above-
named Henry Cooper
Eggar in the presence of

H. C EGGAR.

Seal.

ERNEST H COWIE,

Solicitor, Calcutta

I

247.

301.

Presented for Registration between the hours of 12 and 1 p m , on the 7th day of February 1902, at the Calcutta Registry Office, by E H Cowie, of Calcutta, by occupation Solicitor, executant, as Attorney for H. C Eggar under a Power-of-attorney authenticated by the Registrar of Calcutta on the 13th July 1900 and recorded as No 193 for 1900.

ERNEST H COWIE.

BEHARI LAL CHANDRA,

Registrar

7-2-1902.

Execution

Execution was admitted by the aforesaid attorney under the power cited above who is personally known to me.

ERNEST H COWIE.
BEHARI LAL CHANDRA,

Registrar
7-2-1902.

Registered in Book I.
Volume 25
Pages 108 to 110
Being No 247
For 1902.



BEHARI LAL CHANDRA,
Registrar, Calcutta
18-2-1902.

Dated 23rd November, 1901

PRINCE KUMAR KADER MIRZA AND
OTHERS

to

PRINCES KUMAR KADER MIRZA AND OTHERS
CONVEYANCE.

H C EGGAR,
Solicitor to the Government of India

FIVE RUPEES.

Fee paid

	Rs
A.	10
R.	0-8
G A.	10
Rs	10
	<hr/>
	80 8

B L
CHANDRA,
Registrar.

ADMISSIBLE UNDER RULE 41

*Correctly stamped under the Indian Stamp Act,
Schedule I, No 62*

THIS INDENTURE made the twenty-third day
of November one thousand nine hundred and one
between

between Prince Kumar Kader Mirza Mahomed Abid Ali of Kidderpore in the Suburbs of Calcutta the eldest surviving son of His Majesty the late Wajid Ali Shah King of Oudh and Prince Mirza Mahomed Jalall of 10 Shama Churn Dey's Street Calcutta and Prince Mirza Dilwar Jah both sons of the said King of Oudh of the one part and the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall and Mirza Dilwar Jah and Prince Mirza Mahomed Askari of Garden Reach in the Suburbs of Calcutta and Prince Mirza Ibrahim Ali of Garden Reach both sons of the said King of Oudh (hereinafter called the said Mutwallis or Trustees) of the other part. WHEREAS by Indenture of conveyance dated the twenty-third day of November one thousand nine hundred and one and made between Henry Cooper Eggar Solicitor to the Government of India and Agent under Act XIX of 1887 (hereinafter referred to as the Agent) of the one part and the parties hereto of the first part of the other part it was witnessed that by direction of the Governor General in Council and under the provisions of sub-section (1) of section I of Act XIX of 1887 (being an Act to provide for the due administration of the estate of the said Wajid Ali Shah King of Oudh) and the provisions of Act XIV of 1888 of the same Council the Agent thereby granted conveyed and assigned unto the parties hereto of the first part without warranty of title all that piece or parcel of land hereinafter more particularly described and which formed part of the estate of the said Wajid Ali Shah King of Oudh to hold unto the parties hereto of the first part as joint tenants and not as tenants in common AND WHEREAS after the death of the said Wajid Ali Shah King of Oudh the said piece or parcel of land was by the desue of the members of his family used as a burial ground for members of the family and the same was conveyed by the Agent by the said Indenture of conveyance to the parties hereto of the first part as Trustees for and on behalf of the members of the family as they do hereby admit and acknowledge

AND WHEREAS it is desired by the members of the said family that the said burial ground shall be maintained

tained and kept up in conjunction with the Sibtainabad Emambarra at Garden Reach belonging to the said family and that the said burial ground should accordingly be conveyed by the parties hereto of the first part to the said Mutwallis or Trustees to the intent that they shall stand possessed of the same upon the trusts declared of and concerning the same in and by a Wakfnamah or deed of trust intended to be executed by them of even date herewith.

AND WHEREAS the parties hereto of the first part have accordingly agreed to convey the said burial ground and the land whereon the same has been formed to the said Mutwallis or Trustees in manner hereinafter appearing.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said desire and in consideration of the premises they the said parties hereto of the first part do hereby without warranty of title grant convey and assign unto the said Mutwallis or Trustees their Successors and assigns all that piece or parcel of land in the Schedule hereto more particularly described and forming and known as the Oudh Family burial ground together with all buildings and walls and all ways, paths, passages, trees, underwoods, drains, waters, water-courses, rights, easements and appurtenances thereto belonging or therewith usually held used occupied or enjoyed and all the estate right title and interest of the parties hereto of the first part to have and to hold the said piece or parcel of land hereditaments and premises unto and to the use of the said Mutwallis or Trustees as joint tenants and not as tenants in common according to the nature and tenure thereof respectively upon the trusts declared of and concerning the same in and by the Wakfnamah or deed of trust intended to be executed by them of even date herewith And the parties hereto of the first part enter into no covenants for title.

The Schedule above referred to.

All that piece or parcel of land situate at Garden Reach on the north side of the Circular Garden
Reach

Reach Road in the Registration District of the 24-Pergunnahs Sub-District of Alipore and Thana of Sonai Bazar containing an area of 19 bigahs 8 cottahs and 1 chittack or thereabouts and surrounded on all sides by walls and bounded on the north by the premises of the North-West Soap Company Limited, on the east by the premises and land of Babu Durga Prosonno Ghose, on the south by Circular Garden Reach Road and on the west by the premises of Prince Mirza Jam Jah Ali known as Futteh Munzil or howsoever otherwise the said premises are or may be butted bounded called known or distinguished.

IN WITNESS whereof the said parties to these presents have hereunto set their respective hands and seals the day and year first above written.

Signed sealed and
delivered by the
above-named
Prince Kumar
Kader Mirza in
the presence of—

KUMAR KADER
MEERZA.

MOHMED ABID
ALI.



ERNEST H COWIE,
Solicitor, Calcutta

Signed sealed and
delivered by the
above-named
Prince Mirza
Mahomed Jalal
in the presence
of—

MIRZA MOHAMAD
JALAL.



ERNEST H. COWIE

Signed sealed and
delivered by the
above-named
Prince Mirza
Dilwar Jah in the
presence of—

MIRZA DILAWAR
JAH.



ERNEST H COWIE.

Presented for registration between the hours of 12 and 1 P M, on the 7th day of February 1902, at the Calcutta Registry Office, by Prince Kumar Kader Mirza Mohamed Abid Ali, son of His Majesty the late Wajid Ali Shah, of Kidderpore, by occupation pensioner, executant

KUMAR KADER MEERZA.

BEHARI LAL CHANDRA,

Registrar.

7-2-1902

Execution was admitted by the aforesaid executant who was identified by Ernest H. Cowie of Calcutta, by occupation Solicitor.

KUMAR KADER MEERZA

ERNEST

BEHARI LAL CHANDRA,

H COWIE.

Registrar

7-2-1902.

Execution is this day admitted by Prince Mirza Mohamad Jalal, son of His Majesty the late Wajid Ali Shah, of No 10, Shama Churn Dey's Street, Calcutta, pensioner, who is identified by Prasanna Kumar Mookerjee, son of Gobind Chandra Mookerjee, of No 5, Gokul Mitter's Lane, Calcutta, Head Clerk, Government Solicitor's Office, Calcutta.

MIRZA MOHAMAD JALAL

8-2-1902.

BEHARI LAL CHANDRA,

Registrar.

8-2-1902.

PROSONNO

PROSONNO COOMAR MOOKERJEE,

Head Clerk, Government Solicitor's Office.

Execution is this day admitted by Prince Mirza Dilawar Jah, son of His late Majesty Wajid Ali Shah, of Garden Reach, 24-Pergunnahs, pensioner, who is identified by Prasanna Kumar Mookerjee, son of Gobindo Chandra Mookerjee, of No 5, Gokul Mitter's Lane, Calcutta, Head Clerk, Government Solicitor's Office, Calcutta

MIRZA DILAWAR JAH

12-2-1902

BEHARI LAL CHANDRA,

Registrar

12-2-1902.

PROSONNO COOMAR MOOKERJEE,

Head Clerk, Government Solicitor's Office.

Registered—

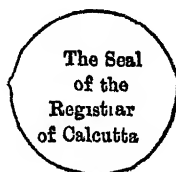
In Book I

Volume 17

Pages 64 to 68.

Being No 280

For 1902.



BEHARI LAL CHANDRA,

Registrar, Calcutta

20-2-1902.

Dated

Dated 23rd November, 1901.

H C EGGAR, Esq.,

Agent under Act XIX of 1887,

to

PRINCE KUMAR KADER MIRZA AND OTHERS.

CONVEYANCE

H. C. EGGAR,

Solicitor to the Government of India.

STAMP Rs. 5

Fee paid	
A.	10
G A	10
L	10
R.	1
	<u>31</u>

ADMISSIBLE UNDER RULE 41.

*Correctly stamped under the Indian Stamp Act,
Schedule I, No. 62.*B L CHAN
DRA,
Registrar

THIS INDENTURE made the twenty-third day of November one thousand nine hundred and one between Henry Cooper Eggar of Calcutta Solicitor to the Government of India and Agent under Act XIX of 1887 (hereinafter called the Agent) of the one part and Prince Kumar Kader Mirza Mahomed Abid Ali of Kidderpore the eldest surviving son of His Majesty the late Wajid Ali Shah King of Oudh and Prince Mirza Mahomed Jalal of 10 Shama Churn Dey's Street Prince Dilwar Jah of Garden Reach in the Suburbs of Calcutta Prince Mirza Mahomed Askari of Garden Reach and Prince Mirza Ibrahim Ali of Garden Reach all sons of the said late King of Oudh of the other part WHEREAS His Majesty the said Wajid Ali Shah King of Oudh in his life-time built and established upon the plot of land hereinafter described an Emambarra or place of worship called and known as Sibtanabad Emambarra a description whereof is firstly contained in the Schedule hereto and although so far as is known no deed of wakf concerning the said Emambarra or building was ever

ever executed or any specific dedication of the said Emambarra or building as wakf property was ever made by the said Wajid Ali Shah King of Oudh during his life-time the said Wajid Ali Shah King of Oudh caused the said Emambarra or building to be used as a place of public worship for Shiah Mahomedans up to the date of his death next hereinafter recited AND WHEREAS the said Wajid Ali Shah King of Oudh died at Garden Reach in the Suburbs of Calcutta on or about the twenty-first day of September one thousand eight hundred and eighty-seven and was upon his death interred in the said Emambarra in accordance with his dying request and both before and after his death certain members of his family were buried therein. AND WHEREAS by Act XIV of 1888 of the Legislative Council of India after reciting Act XIX of 1887 of the same Council (being an Act to provide for the administration by the Governor General in Council of the Estate of the said Wajid Ali Shah King of Oudh) it was enacted that subject to the Control of the Governor General in Council the person for the time being holding the office of Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 might in his own name and in his name of office dispose of any moveable or immovable property of the said Wajid Ali Shah in as full and effectual a manner as His Majesty could have disposed of it in his life-time AND WHEREAS since the death of the said Wajid Ali Shah King of Oudh the said Emambarra has by the desire of the members of the late King's family continued to be used as a place of public worship and kept up out of the funds of the late King's Estate AND WHEREAS by the desire of the members of the King's family the small mosque or building and piece or parcel of land with its approach way secondly in the schedule hereto described was after the King's death reserved from the sale of the properties belonging to his estate and set apart and demarcated to the intent that the same might be used as a place of worship by Shiah Mahomedans and be kept up and managed in conjunction

tion with and as an appendage to the said Sibtainabad Emambarra. AND WHEREAS it is desired by the members of the said family that the said Emambaira and mosque should remain and be places of public worship and be a wakf according to Mahomedan Law under the charge of the parties of the second part AND WHEREAS the parties of the second part have intimated their intention to execute a wakfnamah or a Declaration of Trust of even date with these presents in order to carry out the wishes of the late King and the members of the family Now THIS INDENTURE WITNESSETH that the Agent doth hereby by the direction of the Governor General in Council grant convey and assign unto the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Muza Dilwar Jah, Mirza Mahomed Askari and Muza Ibrahim Ali the parties of the second part their heirs executors administrators representatives and assigns without any warranty of title firstly all that building or Emambarra together with the piece or parcel of land on part whereof the same is erected and built in the Schedule hereto firstly more particularly described and which is called or known as the Sibtainabad Emambarra and secondly all that small building or mosque together with the piece or parcel of land on which the same is erected and built and the approach way thereto in the said Schedule hereto secondly more particularly described together with all out-buildings and out-offices and all ways, paths, passages, railings, tanks, waters, water-courses, drains, rights, easements and appurtenances to the said premises respectively belonging or in anywise appertaining or therewith held used or enjoyed and all the estate right title and interest of the Agent and of the estate of the said Wajid Ali Shah King of Oudh into and upon the premises To HAVE AND TO HOLD the said Emambarra and mosque pieces or parcels of land and other the hereditaments and premises hereinbefore expressed to be hereby assured with the appurtenances unto and to the use of the said parties of the second part their executors administrators and assigns as joint tenants and not as tenants

tenants in common upon the trusts declared of and concerning the same in and by the Wakfnamah or declaration of trust hereinbefore referred to and intended to be executed by them of even date with these presents And the Agent enters into no covenants for title.

The Schedule above referred to.

PART I

All the Emambarra or building together with the piece or parcel of land on which the same is erected and built situate and being at Garden Reach on the south side of the Garden Reach in the Registration District of the 24-Pergunnahs Sub-district of Alipore and Thana of Sonai Bazar containing an area of 1 bigha 9 cottahs 7 chittacks or thereabouts and bounded on the north by Garden Reach Road on the south by land belonging to the Bhokoilas Raj estate on the east partly by the premises of the late Nawab Yadyar Mehal Sahiba and partly by a piece of land belonging to the Estate of the late Prince Mirza Mahomed Jogee Bahadur and on the west by an old building said to be the property of one Rais Hyder and formerly known as the house of the late Zulfikur-ud-Dowlah.

PART II

All that small mosque or building together with the piece or parcel of land whereon the same is erected and built situate within the ground of the premises known as the Shah Munzil belonging to the estate of the late Prince Sir Jehan Kader Mirza at Garden Reach in the Registration District, Sub-district and Thana aforesaid and bounded on the north by the Court-yard of the Shah Munzil, on the south partly by the private road leading from the Shah Munzil to the Sultan Bazar Road and partly by a tank, on the east by Iron Gates belonging to the Shah Munzil and on the west partly by the approach way leading to

to the mosque from the road leading from Garden Reach Road down to the river and partly by the Shah Munzil premises together with the last mentioned approach way or passage passing through an opening in the wall of the Shah Munzil premises and leading on to the road running from Garden Reach Road to the river the length of such way from the mosque being 72 feet

IN WITNESS whereof the said parties to these presents have hereunto set their respective hands and seals the day and year first above written.

Signed sealed and
delivered by the
above-named Henry
Cooper Eggar in the
presence of

H. C. EGGAR.



ERNEST H. COWIE,
Solicitor, Calcutta.

I 248

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Presented for registration between the hours of 12 and 1 p.m., on the 7th day of February 1902, at the Calcutta Registry office, by E. H. Cowie, of Calcutta, by occupation Solicitor, executant, as Attorney for H. C. Eggar under a Power-of-attorney authenticated by the Registrar of Calcutta on the 13th July 1900 and recorded as No 193 for 1900.

ERNEST H. COWIE.

BEHARI LAL CHANDRA,

Registrar.

7-2-1902.

Execution was admitted by the aforesaid attorney under the power cited above who is personally known to me.

ERNEST H. COWIE.

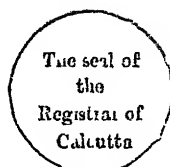
BEHARI LAL CHANDRA,

Registrar.

7-2-1902.

Registered

Registered in Book I.
Volume II
Pages 131 to 136
Being No. 248
For 1902.



BEHARI LAL CHANDRA,
Registrar, Calcutta
17-2-1902

Dated 23rd November, 1901

PRINCE KUMAR KADER MIRZA ABID ALI BAHADUR
PRINCE MIRZA MAHOMED JALALL
PRINCE DILWAR JAH MIRZA
PRINCE MIRZA MAHOMED ASKARI

AND

PRINCE IBRAHIM ALI.

DECLARATION OF TRUST

H. C EGGAR,
Solicitor to the Government of India

STAMP RS 15.

ADMISSIBLE UNDER RULE 41.

	Fee paid	
F		1
G A		1
L		10
R		4

Correctly stamped under the Indian Stamp Act, Schedule 1, No 64

1/6
B L CHAN-
DRA
Registrar

TO ALL TO WHOM the presents shall come.
We PRINCE KUMAR KADER MIRZA ABID ALI BAHADUR of Kidderpore in the Suburbs of Calcutta the eldest surviving son of His Majesty the late Wajid Ali Shah King of Oudh and PRINCE MIRZA MAHOMED

MAHOMED JALALL of 10 Shama Churn Dey's Street Calcutta PRINCE DILWAR JAH MIRZA of Garden Reach in the Suburbs of Calcutta PRINCE MIRZA MAHOMED ASKARI of Garden Reach and PRINCE IBRAHIM ALI of Garden Reach all sons of the said late King of Oudh.

SEND GREETING

1 WHEREAS His Majesty the said Wajid Ali Shah King of Oudh in his life-time built and established at Garden Reach in the Suburbs of Calcutta an Emambarra or place of worship called the Sibtainabad Emambarra (a description whereof is contained in Part I of the first Schedule hereto) and although so far as is known no Wakfnamah or deed of trust concerning the said Emambarra was ever executed or any specific dedication of the said Emambarra as wakf property was ever made by the said King during his life-time the said King caused the said Emambarra to be used as a place of public worship for Shiah Mahomedans up to the date of his death hereinafter recited and the said King was upon his death interred in the said Emambarra in accordance with his dying request and both before and after his death certain members of his family were interred therein

2 AND WHEREAS the said Wajid Ali Shah King of Oudh died at Garden Reach aforesaid on or about the twenty-first day of September one thousand eight hundred and eighty-seven, being at the date of his death possessed (*inter alia*) of the said Emambarra and the land on which the same stands but having made no specific provision for the maintenance and up-keep of the said Emambarra after his death

3. AND WHEREAS by Act XIX of 1887 of the Legislative Council of India it was provided that the Governor General in Council of India should have the exclusive authority to act in the administration of the property of whatever nature left by His late Majesty in regard to the settlement and satisfaction of claims against the estate of His late Majesty and might make disposition of the remaining property

or

or the proceeds thereof in such manner as he deemed fit amongst the family and dependants of the late King.

4 AND WHEREAS by Act XIV of 1888 of the same Council after reciting Act XIX of 1887 it was enacted that subject to the control of the Governor General of India in Council, the person for the time being holding the office of the Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 might in his own name and by his name of office dispose of any moveable or immoveable property of His late Majesty in as full and effectual a manner as His Majesty could have disposed of it in his lifetime

5 AND WHEREAS since the death of the said Wajid Ali Shah King of Oudh the said Emambaria has by the desire of the members of his family continued to be used as a place of public worship and has been kept up and maintained out of the funds of the late King's estate

6. AND WHEREAS by desire of the members of the late King's family the small mosque or building and piece or parcel of land with its approach way in Part II of the first Schedule hereto described was after the King's death reserved from the sale of the properties belonging to his estate and set apart and demarcated to the intent that the same might be used as a place of worship by Shiah Mahomedans and be kept up and managed in conjunction with and as an appendage to the said Sibtainabad Emambarra

7. AND WHEREAS after the death of the late King inasmuch as the space for interments at the said Sibtainabad Emambarra was found to be limited it became necessary for the members of the King's family to establish a private burial ground in which the said interments might take place and which might be managed with the said Sibtainabad Emambarra.

8 AND WHEREAS in accordance with the wish of the surviving members of the King's family as expressed

pressed by Princes Kumar Kader Mirza and Sir Jehan Kader Mirza since deceased, Prince Mirza Mahomed Jogee (since deceased) and the said Prince Mirza Mahomed Jalall the leading members of the family and the first members of the Committee appointed temporarily by the Governor General in Council to manage the said Sibtainabad Emambarra the piece or parcel of land and premises in Part III of the first Schedule hereto more particularly described was reserved from the sale of the late King's properties in order that a burial ground might be established therein and a burial ground was formed out of the said piece or parcel of land and several members of the late King's family have been interred therein

9 AND WHEREAS by an Indenture of Conveyance dated the twenty-third day of November one thousand nine hundred and one the said piece or parcel of land forming the said burial ground was by the direction of the Governor General in Council conveyed by Henry Cooper Eggar Esquire Solicitor to the Government of India and Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 to us Princes Kumar Kader Mirza Muhammad Jalall and Prince Dilwar Jah without warranty of title to hold unto us our executors administrators and assigns as joint tenants and not as tenants in common it being intended that we should subsequently convey the said premises to Mutwallis or Trustees to be appointed by the Government of India to manage the said Emambairra and burial ground

10 AND WHEREAS the affairs of the said King's estate are about to be wound up finally and it is necessary to make permanent provision for the endowment of the said Emambaria and mosque and burial ground and the up keep and maintenance thereof on a reasonable and proper footing consistent with the status of the family and having regard to the fact that the said Emambarra contains the tomb of His late Majesty and that other members of his family are interred therein.

11. AND

11 AND WHEREAS the Governor General in Council has decided with the consent and approbation of the family of the late King that a sum shall be set aside out of the assets of the late King's estate to purchase Government securities sufficient with rupees two hundred thousand the share belonging to the estate of the late King of Oudh of and in Government Promissory Note No 018878 for rupees five hundred thousand standing in the name of Malkai Kissors and deposited in the Lucknow Treasury to provide the annual income required for the up-keep of the said Emambarra mosque and burial ground and to form an endowment for the said Emambarra mosque and burial ground out of which repairs and extra expenses not met out of the usual yearly budget of expenditure may be met and satisfied and that the management of the said Emambarra mosque and burial ground shall be entrusted to a body of Mutwallis or Trustees who shall form the managing committee subject to the supervision and control of the Superintendent of Political Pensions or such other officer as the Government of India may from time to time appoint and subject to the observance of certain rules and regulations prescribed by the Governor General in Council and set forth in the second and third Schedules hereto

12 AND WHEREAS the Governor General in Council has decided that the sum of rupees sixteen thousand per annum is an ample provision for the proper up-keep and maintenance of the said Emambarra mosque and burial ground and that a sum of rupees six hundred thousand in all is sufficient to set aside to provide such yearly sum and form the Endowment Fund and the Government securities of the par value of rupees four hundred thousand of which the particulars are given in Part I of the fourth Schedule hereto have been purchased and set apart out of the assets of the estate of the late King and endorsed to and placed with the Comptroller General to form with the said share of Government Promissory Note No 018878 for rupees five hundred thousand the fund for the endowment of the said Emambarra mosque
and

and burial ground the interest on such Government securities and on the said share of Government Promissory Note No 018878 for rupees five hundred thousand which will be drawn by the Comptroller General from the Lucknow Treasury to be applied in paying to the Mutwallis or Trustees to be appointed by these presents the sum of rupees sixteen thousand for the up-keep and maintenance of the said Emambaria mosque and burial ground or such less sum as may in the discretion of the Superintendent of Political Pensions be found necessary and which they are to apply in accordance with the terms of these presents and the balance of such interest to be credited to the endowment fund

13 AND WHEREAS it is possible that further sums or securities may hereafter be added to the said fund by order of the Governor General in Council and it is intended that any such sums or securities shall after publication of an order to that effect in the Gazette of India be dealt with as if they had formed part of the original endowment above recited

14 AND WHEREAS we the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali have been nominated and appointed by the Governor General in Council to be the first Mutwallis or Trustees and members of the Managing Committee of the said Emambarra mosque and burial ground and by Indenture of even date herewith the said Emambarra and the land on which it stands (which are more particularly described in Part I of the first Schedule hereto) and the said mosque and the land on which it stands and the approach way (which are more particularly described in Part II of the first Schedule hereto) have been conveyed and assured by the said Henry Cooper Eggar Esq Solicitor to the Government of India and Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 to us the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall,

Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali without warranty of title to be held by us as joint tenants and not as tenants in common and by another Indenture of Conveyance of even date herewith the said burial ground and premises described in Part III of the said first Schedule hereto have been conveyed by us the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall and Dilwar Jah to us the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali without warranty of title to be held upon the trusts declared of and concerning the same by an Indenture of Wakfnamah or deed of trust of even date therewith being these presents Now these presents witness that we the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali do hereby declare that we and our successors in the office of Mutwallis or Trustees will henceforth stand possessed of the said Emambarra mosque and burial ground and the appurtenances thereto respectively belonging and of the income and interest from the said Endowment fund that may come into our hands and of all other moneys that may come into our hands as Mutwallis or Trustees of the said Emambarra and burial ground upon the trusts hereinafter declared and contained of and concerning the same respectively that is to say upon trust that the said Emambarra and mosque with the appurtenances shall remain and be wakf property in the hands of us the said Mutwallis and our successors in that office according to Shiah Mahomedan Law and that we and our successors shall permit the same to be used as places of public worship for Shiah Mahomedans and will conduct and manage the affairs thereof in accordance with the rules and regulations set forth in the second Schedule hereto and under the supervision of the Superintendent of Political Pensions or such other officer of Government as the Governor General in Council may from time to time appoint in that behalf and upon trust that the said burial ground shall remain and be wakf property in
the

the hands of us the said Mutwallis and our successors in that office according to Shiah Mahomedan Law and shall be used as a place of interment for members of the late King's family and their descendants in accordance with the rules and regulations set forth in the third Schedule hereto and under the supervision of the said Superintendent of Political Pensions or other officer as aforesaid and as regards the income and interest of the said Endowment Fund and all other moneys that may come to our hands as Mutwallis or Trustees of the said Emambarra mosque and burial ground upon trust to apply the same in the due and proper up-keep and maintenance of the said Emambarra mosque and burial ground and the performance and observance of the Mohurram and other necessary and proper ceremonies or observances at the said Emambarra in the same manner as far as may be and circumstances will permit as the said Emambarra mosque and burial ground have been kept up and maintained and the said Mohurram and other ceremonies and observances have been performed and observed under the supervision and direction of the Governor General in Council since the death of the said Wajid Ali Shah King of Oudh and that the scale of expenditure shall be regulated as far as may be and circumstances may permit by the scale set forth in Part II of the fourth Schedule hereto and upon which scale the said sum of rupees sixteen thousand per annum has been arrived at as the proper amount to be expended in the up-keep and carrying on of the said Emambarra mosque and burial ground and we do hereby declare and agree that the provisions of the Mahomedan Law as to the appointment and removal of Mutwallis for reasons admitted or recognised by that Law shall be expressly applicable to the said Emambarra mosque and burial ground the right of removing any Mutwallis and appointing new Mutwallis in place of those dying or removed being vested in the Governor General of India in Council and that we and our successors in the office of Mutwallis shall abide by the rules and regulations contained in the said second and third Schedules

hereto

hereto and that we will keep and render to the Superintendent of Political Pensions or to any other officer nominated by the Governor General in Council true and proper accounts of all sums of money that may pass through our hands

The first Schedule above referred to.

PART I

All that Emambarra or building together with the piece or parcel of land on which the same is erected and built situate and being at Garden Reach on the south side of the Garden Reach Road in the Registration District of the 24-Pergunnahs Sub-district of Alipore and Thana of Sonai Bazar containing an area of 1 bigah 9 cottahs 7 chittacks or thereabouts and bounded on the north by Garden Reach Road on the south by land belonging to the Bhookoilash Raj Estate on the east partly by the premises of the late Nawab Yadyar Mehal Sahiba and partly by a piece of land belonging to the Estate of the late Prince Mirza Mahomed Jogee Bahadur and on the west by an old building said to be the property of one Rais Hyder and formerly known as the house of the late Zulfikur-ud-Dowlah.

PART II.

All that small mosque or building together with the piece or parcel of land whereon the same is erected and built situate within the grounds of the premises known as the Shah Munzil belonging to the Estate of the late Prince Sir Jehan Kader Mirza at Garden Reach in the Registration District Sub-district and Thana aforesaid and bounded on the north by the court yard of the Shah Munzil on the south partly by the private road leading from the Shah Munzil to the Sultan Bazar Road and partly by a tank on the east by Iron Gates belonging to the Shah Munzil and on the west partly by the approach way leading to the mosque

mosque from the road leading from Garden Reach Road down to the river and partly by the Shah Munzil premises together with the last mentioned approach way or passage passing through an opening in the wall of the Shah Munzil premises and leading on to the road running from Garden Reach Road to the river the length of such way from the mosque being 72 feet

PART III.

All that piece or parcel of land situate on the north side of Circular Garden Reach Road at Garden Reach in the Registration District of the 24-Pergunnahs Sub-district of Alipore and Thannah Sonai Bazar containing an area of 19 bighas 8 cottahs and one chittack or thereabouts and which is surrounded on all sides by walls and is bounded as follows that is to say on the north by the premises of the North-West Soap Company Limited on the east by the premises and land of Babu Duiga Prosonno Ghose on the south by Circular Garden Reach Road and on the west by the premises of Prince Mirza Jam Jah Ali known as Futteh Munzil or howsoever otherwise the said premises are or may be butted bounded called known or distinguished

The second Schedule above referred to.

RULES FOR THE GUIDANCE OF THE TRUSTEES OR MUTWALLIS

1. Interest on the Government Promissory Notes for the time being representing the Endowment Funds (including the share of the Note No 018878 for Rs5,00,000 in the Lucknow Treasury) shall be drawn as the same accrues due by the Accountant General Bengal who shall credit the same to the "Sibtainabad Emambarra Endowment Fund" for which a personal ledger account will be opened in the Bank of Bengal in favour of the Superintendent of Political Pensions the account being charged with
the

the amounts drawn by the Superintendent on cheques upon the bank.

2 The Trustees shall every year draw up a budget estimate of the expenditure required for the maintenance of the Emambarra and burial ground which shall be submitted for the sanction of the Superintendent of Political Pensions

3 The Trustees shall appoint a Manager subject to the sanction of the Superintendent of Political Pensions who shall be empowered to submit requisition for ordinary and recurring expenditure to the Superintendent of Political Pensions. If such bills are within the sanctioned estimates cheques shall be drawn by the Superintendent of Political Pensions for the amount. Other bills shall be paid on the requisition of the Trustees in meeting if the Superintendent shall approve of the expenditure proposed

4 The Manager of the Emambarra shall also be in charge of the burial ground and the small mosque above referred to.

5 The Manager may appoint and dismiss the servants of the Emambarra and burial ground subject to the approval of the Trustees and the Superintendent of Political Pensions. The Trustees may remove the Manager in case of misconduct subject to the Superintendent's sanction.

6 Regular accounts of expenditure shall be prepared by the Manager once a month and shall be submitted through the Trustees to the Superintendent of Political Pensions for his inspection.

7 The Manager should perform all religious ceremonies under the instructions of the Trustees. If there should be a difference of opinion among the several Trustees the matter shall be decided by the majority. The minority may however appeal to the Superintendent against any decision of the majority and until such an appeal has been decided by the Superintendent he can suspend any action by a majority of the Trustees which a minority of them have appealed against. When an even number of Trustees is present

and

and they are equally divided upon any point they should appeal to the Superintendent to decide on the matter in dispute.

8 The right of removing any Trustees on their conducting the affairs of the Emambarra in opposition to the object of this Trust or on their violating any rules which may be in force at the time and of appointing new Trustees in the place of those dying or removed shall be vested in the Superintendent of Political Pensions subject to the approval of the Government of Bengal

9 The Trustees shall hold meetings once a month The proceedings of each meeting shall be submitted to the Superintendent of Political Pensions

10 The details of expenditure for the proper upkeep of the Emambaria and the mosque shall be settled by the Trustees with the sanction of the Superintendent of Political Pensions subject to the approval of the Government of Bengal.

11. The rules shall be liable to revision from time to time on the recommendation of the Trustees and subject to the approval of the Superintendent of Political Pensions and the Government of Bengal.

12 A list of the Emambaria moveable shall be made by the Manager every year and submitted through the Trustees to the Superintendent of Political Pensions.

The third Schedule above referred to.

RULES FOR THE MANAGEMENT OF THE BURIAL GROUND.

1 The following is a list of the members of the Oudh family who shall have the right to be interred in the burial ground :—

- (1) The sons of the late King.
- (2) Daughters of the late King.

(3) The

- (3) The grand and great grandchildren of the late King.
- (4) The Motah wives of the late King who had recognised issue by His Majesty
- (5) The Nikah wives of the sons of the late King
- (6) The two daughters of the late Prince Sir Jehan Kader and their children

2. No interment shall be made except in accordance with the above rules and with the sanction of the Trustees

3. The minimum depth of a grave shall be eight feet

4. The grave shall be filled in with earth and bricked over cement being put over the bricks and marble slabs over the cement.

5. The burial ground shall be kept as clean as possible and the Superintendent of Political Pensions may cause it to be inspected from time to time by a Mahomedan gentleman to be selected by the Trustees

6. The details of expenditure for the maintenance of the burial ground shall be settled by the Trustees and the necessary funds shall be drawn by the Manager in the same way as in the case of the Emambarra.

The fourth Schedule above referred to.

PART I

Stock certificate standing in the name of the Comptroller-General on account of the Sibtainabad Emambarra Endowment Fund of the $3\frac{1}{2}$ per cent. loan of 1865 for Rs. 4,00,000.

PART II

PART II.

Scale of estimated annual expenditure on the
Emambarra and burial ground—

	R
Pay of establishment at Emambarra and burial ground . . .	4,848
Pensions to retired servants . . .	74
Lighting charges . . .	228
Petty expenses such as cost of sta- tionery and Manager's gharry hire on duty . . .	72
Repairs of the Emambarra . . .	5,965
Religious ceremonies . . .	3,616
Allowance to Syed Saleh at Karbela . . .	720
Contingencies including allowances to clerical staff of the office of Superintendent of Political Pensions . . .	477
TOTAL .	Rs. 16,000

IN WITNESS whereof the said Prince Kumar Kader Mirza Abid Ali Bahadur, Prince Mirza Mahomed Jalall, Prince Dilwar Jah Mirza, Prince Mirza Mahomed Askari and Prince Ibrahim Ali have hereunto set their respective hands and seals this twenty-third day of November one thousand nine hundred and one

Signed sealed and
delivered by the ab-
ove-named Prince
Kumar Kader
Mirza Abid Ali
Bahadur in the
presence of—

KUMAR KADER
MEERZA MOH-
MED ABID ALI.



ERNEST H COWIE,
Solicitor, Calcutta.

Signed

Signed sealed and delivered by the above-named Prince Mirza Mahomed Jalall in the presence of—

MIRZA MOHAMMED JALAL

Seal

ERNEST H. COWIE.

Signed sealed and delivered by the above-named Prince Dilwar Jah Mirza in the presence of—

MIRZA DILWAR JAH

Seal

ERNEST H COWIE.

Signed sealed and delivered by the above-named Prince Mirza Mahomed Askari in the presence of—

M. M ASKARI.

Seal

ERNEST H COWIE

Signed sealed and delivered by the above-named Prince Ibrahim Ali in the presence of—

IBRAHIM MEERZA.

ALI

Seal

ERNEST H. COWIE

P. 67.

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Presented for Registration between the hours of 12 and 1 P M, on the 7th day of February 1902, at the Calcutta Registry Office, by Prince Kumar Kader Mirza Mahomed Abid Ali, son of His Majesty the late Wajid Ali Shah, of Kiderpore, by occupation pensioner, executant

KUMAR KADER MEERZA.

BEHARI LAL CHANDRA

Registrar.

7-2-1902

Execution

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Execution was admitted by the aforesaid executant who was identified by E. H. Cowie, of Calcutta, by occupation Solicitor.

KUMAR KADER MEERZA.

BEHARI LAL CHANDRA,

Registrar

7-2-1902.

ERNEST H COWIE.

Execution was also admitted by Prince M. M. Askari, son of His Majesty the late Wajid Ali Shah, of Garden Reach, Pensioner, who was identified by M. Abbott of Calcutta, Solicitor.

M. M. ASKARI.

M. ABBOTT.

BEHARI LAL CHANDRA,

Registrar.

7-2-1902.

Execution is this day admitted by Prince Mirza Mahomed Jalal, son of His Majesty the late Wajid Ali Shah of No. 10, Shama Charan Dey's Street, Calcutta, Pensioner, who is identified by Prasanna Coomar Mookerjee, son of Govind Chandra Mookerjee, of No. 5, Gokul Mitter's Lane, Calcutta, Head Clerk, Government Solicitor's Office, Calcutta.

MIRZA MOHAMAD JALAL.

8-2-1902.

BEHARI LAL CHANDRA,

Registrar

8-2-1902

PROSONNO COOMAR MOOKERJEE,

Head Clerk, Government Solicitor's Office

Execution is this day admitted by Prince Mirza Dilawar Jah and Prince Ibrahim Ali Mirza, sons of His late Majesty Wajid Ali Shah, both of Garden Reach, 24-Pergunnahs, pensioners, who are identified by Prasanna Coomar Mookerjee, son of Govind

Chandra

Chandra Mookerjee of No 5, Gokul Mitter's Lane,
Calcutta, Head Clerk, Government Solicitor's Office,
Calcutta.

MIRZA DILAWAR JAH.

12-2-1902.

IBRAHIM ALI MEERZA

12-2-1902

BEHARI LAL CHANDRA,

Registrar.

12-2-1902.

PROSONNO COOMAR MOOKERJEE,

Head Clerk, Government Solicitor's Office.

Registered—

In Book I.

Volume II

Pages 157 to 174

Being No. 281.

For 1902.



BEHARI LAL CHANDRA,

Registrar, Calcutta.

22-2-1902.

ACT NO XIII OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(*Received the assent of the Governor General on the 21st
March, 1917*)

An Act to impose a tax on goods carried by
railway or inland steam-vessel

WHEREAS it is expedient to impose a tax on goods carried by railway or inland steam-vessel, It is hereby enacted as follows.—

Short title
and com-
mencement.

1. (1) This Act may be called the Freight (Railway and Inland Steam-vessel) Tax Act, 1917.

(2) It shall come into force on the first day of April, 1917

Definitions.

2. In this Act—

the expression “administration” and the expression “inland steam-vessel” have the meanings respectively attributed to them by the Indian Railways Act, 1890, and the Inland Steam-vessels Act, 1917, IX of 1890
I of 1917

“prescribed” means prescribed by rules made under this Act,

“vessel” means anything made for the conveyance by water of human beings or of property.

Imposition
of tax on
goods carried
by railway
or inland
steam-vessel.

3. (1) Subject to the provisions of this Act, there shall be levied and collected on goods carried by—

(a) any railway in British India, or

(b) any inland steam-vessel in British India,

a tax at the rate specified in that behalf in Schedule I

Explanation: goods carried on a vessel towed by an inland steam-vessel shall, for the purposes of this Act, be deemed to be goods carried by the inland steam-vessel.

(2) The

(2) The tax imposed by sub-section (1) shall be collected by means of a surcharge on freight, by the administration of the railway or the owner of the inland steam-vessel by which the goods are carried, and shall be paid to the prescribed authority in the prescribed manner within the prescribed time, after making such deduction as may be prescribed to meet any expenses incurred in connection with the collection of the tax

(3) The owner of every inland steam-vessel referred to in sub-section (1) shall prepare and deliver, or cause to be prepared and delivered, to the prescribed authority, each quarter, a return in the prescribed form, of all goods carried by such vessel in respect of which the tax imposed by that sub-section is payable, and shall subscribe, at the foot of such return, a declaration of the truth thereof

Provided that where goods are deemed to be carried by an inland steam-vessel, the owner of the towed vessel shall, if so required by the owner of the inland steam-vessel, certify the particulars of the goods carried on the towed vessel, and shall subscribe at the foot of the certificate a declaration of the truth thereof, and in that case the owner of the inland steam-vessel may incorporate all or any of such particulars in his return, and shall only be bound in respect of such particulars to subscribe to his return a declaration that they are true to the best of his knowledge and belief

(4) Every such return shall be delivered to the prescribed authority within thirty days after the end of the quarter to which it relates

4. (1) The Governor General in Council may, by ^{Rule making} notification in the Gazette of India, make rules for ^{power} carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Governor General in Council may make rules—

- (a) regulating the collection of the tax imposed by this Act, and providing for the authority to which, and the time and manner in which, such tax shall be paid,
- (b) prescribing

- (b) prescribing the form of the returns required by this Act, and the particulars to be contained therein, and the manner in which the same is to be verified,
- (c) prescribing any other method than actual weighment for ascertaining the amount of the tax imposed by this Act, and
- (d) providing for any other matter which by this Act is to be prescribed.

(3) In making any rule under this section, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to five hundred rupees.

Offences

5. The offences mentioned in column 1 of Schedule II shall be punishable to the extent mentioned in column 2 thereof with reference to such offences respectively.

Power to
exempt

6. The Governor General in Council may, by notification in the Gazette of India, exempt, either in whole or in part, and either absolutely or subject to such conditions as he may prescribe, any goods or class of goods from the tax imposed under this Act.

SCHEDULE I.

[See section 3]

1	2	3
Goods	Unit	Rate
Coal, coke, and firewood	Per Indian maund of 82½ lbs avoirdupois weight	One pie
All other goods	Per Indian maund of 82½ lbs avoirdupois weight	Two pies

SCHEDULE II

SCHEDULE II.

[See section 5.]

1	2
(1) Omitting to make any return or certificate referred to in section 3 (3) or refusing to sign or complete the same	Fine not exceeding one thousand rupees
(2) Making and delivering any such return or certificate containing any statement not true to the best of the information and belief of the person making the same	The penalty provided in section 177 of the Indian Penal Code for furnishing false information to a public servant. XLV of 1860.

ACT No. XIV OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 21st March,
1917)*An Act to amend the Prevention of Cruelty to
Animals Act, 1890

WHEREAS it is expedient to amend the Prevention of Cruelty to Animals Act, 1890 ; It is hereby enacted as follows :—

Short title.

1 This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1917.

Insertion of
new sections
5A and 5B
in Act XI of
1890

2 After section 5 of the Prevention of Cruelty to Animals Act, 1890 (hereinafter referred to as the said Act), the following sections shall be inserted, namely .—

Penalty for
being in
possession of
the skin of a
goat killed
with unneces-
sary cruelty.

“5A. If any person has in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated

Presumptions
as to posses-
sion of the
skin of a goat

5B. If any person is charged with the offence of killing a goat contrary to the provisions of section 5, or with an offence punishable under section 5A, and it is proved that such person had in his possession, at the time the offence was alleged to have been committed, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unnecessarily cruel manner, and that the person in possession of such skin had reason so to believe ”

Insertion of
new section
7A in Act
XI of 1890.

3. After section 7 of the said Act, the following section shall be inserted, namely .—

“7A. If

"7A If a police-officer, not below the rank of sub-inspector, has reason to believe that an offence under section 5, in respect of a goat, is being or is about to be, or has been, committed in any place, or that any person has in his possession the skin of a goat with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize any such skin and any article or thing used or intended to be used in the commission of such offence "

Special power
of search and
seizure in
respect of
certain off-
ences

4. In sub-section (2) of section 8 of the said Act after the words and figure "under sub-section (1)," the words, figure and letter " or under section 7A " shall be added.

Amendment
of section 8 of
Act XI of
1890

ACT No. XV OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 13th
September, 1917)*

An Act further to amend the Indian Registration Act, 1908.

WHEREAS it is expedient further to amend the Indian Registration Act, 1908; It is hereby ^{XVI of 1908} enacted as follows :—

Short title

1. This Act may be called the Indian Registration (*Amendment*) Act, 1917.

Insertion of
new section
23A in Act
XVI of 1908

2. After section 23 of the Indian Registration Act, 1908, the following section shall be inserted, ^{XVI of 1908} namely :—

Re-registra-
tion of certain
documents

“ 23A. Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor under Part IV, and all the provisions of this Act,

Act, as to registration of documents, shall apply to such re-registration, and such document, if duly re-registered in accordance with the provisions of this section shall be deemed to have been duly registered for all purposes from the date of its original registration

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid."

ACT No. XVI OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 18th
September, 1917)*

An Act to establish and incorporate a University at Patna

WHEREAS it is expedient to establish and incorporate a University at Patna, to be known as the Patna University ; It is hereby enacted as follows —

Short title
and com-
mencement.

1. (1) This Act may be called the Patna University Act, 1917.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

“College” means a college of the University or an external college ;

“College of the University” means the Patna College, the Training College for teachers at Patna, and any other educational institution admitted as a college of the University in accordance with this Act and the Regulations ,

“External College” means the Bihar National College, Bankipur, the Patna Law College, the Greer Bhumihar Brahman College, Muzaffarpur, the Tej Narayan Jubilee College, Bhagalpur, the Ravenshaw College, Cuttack, St Columba's College, Hazaribagh, the Diamond Jubilee College, Monghyr, and any other educational institution admitted as an external college in accordance with this Act and the Regulations ,

“Local

"Local Government" means the Local Government of Bihar and Orissa,

"Regulations" means Regulations for the time being in force of the University,

"Senate" means the University Senate;

"Syndicate" means the University Syndicate;

"University staff" means such persons as may be declared by the Regulations to be members of the University staff, and

"University" means the Patna University

3. (1) The first Chancellor and Vice-Chancellor ^{Incorporation} of the University, and the first members of the Senate, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Patna University

(2) The Patna University shall have perpetual succession and a common seal, and shall sue and be sued by the said name

(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting education, of promoting original research, of examining students and conferring degrees, of admitting educational institutions to its privileges, and of supervising and controlling the administration of colleges of the University in all matters of education and discipline, and of inspecting and supervising external colleges.

4. The following shall be the authorities and officers of the University :—

<sup>Authorities
and officers
of the University</sup>

- (i) the Chancellor,
- (ii) the Vice-Chancellor;
- (iii) the Senate;
- (iv) the Syndicate;
- (v) the Registrar, and
- (vi) Such other authorities and officers as the Regulations may declare to be authorities or officers of the University.

5. (1) The

The Chan-
cellor

5. (1) The Chancellor shall be the Lieutenant-Governor of Bihar and Orissa for the time being

(2) The Chancellor shall, by virtue of his office, be the head of the University, and shall, when present, preside at Convocation of the University convened for the purpose of conferring degrees and for other purposes.

(3) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor

(4) The Chancellor shall finally decide any dispute with regard to the election of any person to be a member of the Senate or Syndicate.

(5) The Chancellor shall have the right of inspecting the University and of visiting and inspecting the colleges, both generally and for the purpose of seeing that the proceedings of the University are in conformity with this Act and the Regulations. The Chancellor may, by order in writing, annul any such proceeding which is not in conformity with this Act and the Regulations:

Provided that, before making any such order, he shall call upon the University to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same.

The Vice-
Chancellor

6. (1) The Vice-Chancellor shall be appointed by the Local Government, and shall hold office for three years from the date of his appointment, on the expiration of which period, he may be re-appointed from time to time, provided that no such re-appointment shall be for a longer period than two years

(2) The Vice-Chancellor shall, when present, preside at every meeting of any University authority of which he is a member and at Convocation of the University when the Chancellor is not present

(3) The Vice-Chancellor shall appoint and control every officer and servant of the University (other than the members of the University Staff) whose aggregate emoluments do not exceed two hundred rupees per mensem.

(4) The

(4) The Vice-Chancellor shall have the right of visiting and inspecting the colleges.

7 (1) The Senate shall consist of not less than ^{The Senate} sixty and not more than seventy-five Ordinary Fellows in addition to the following *ex-officio* Fellows, namely —

- (i) the Vice-Chancellor,
- (ii) the Members of the Executive Council of the Lieutenant-Governor of Bihar and Orissa,
- (iii) the Chief Justice of the High Court of Judicature at Patna,
- (iv) the Bishop of Chota Nagpur;
- (v) the Director of Public Instruction in Bihar and Orissa; and
- (vi) the Principals of all colleges in which instruction to a degree standard is given

(2) The Ordinary Fellows of the first Senate shall be the persons specified in the First Schedule, and shall hold office for such period as may be prescribed by the Regulations

(3) Upon the expiration of the period of office of the first Senate the next and every succeeding Senate shall include, in addition to the *ex-officio* Fellows hereinbefore referred to,—

- (i) Fifty Ordinary Fellows to be elected in such manner as may be prescribed by the Regulations, of whom—
 - (a) twenty shall be elected by the teaching staffs of the colleges,
 - (b) five shall be elected by the graduate teachers of schools in which instruction to a standard to be prescribed by the Regulations is given,
 - (c) fifteen shall be elected by registered graduates other than any who may be included for the time being in the electorates referred to in sub-heads (a) and (b), and

(d) ten

- (d) ten shall be elected by such associations or public bodies as the Chancellor may from time to time empower in this behalf, of whom such number shall be elected by each such association or body as the Chancellor may from time to time direct,

Provided that all such elections shall be made subject to such conditions as to the representation on the Senate of all the Faculties of the University and of persons permanently resident in the Orissa Division as shall be prescribed by the Regulations, and

- (ii) Not less than ten and not more than twenty-five Ordinary Fellows to be nominated by the Chancellor subject to the Regulations

(4) Subject to the provisions of this Act and the Regulations, the Senate shall have the entire management of, and superintendence over, the affairs, concerns and property of the University, and shall exercise all the powers of the University not otherwise provided for.

In particular, and without prejudice to the generality of the foregoing power,—

(a) it shall determine—

- (a) what degrees and diplomas shall be granted by the University,
- (b) the courses of study and the duration thereof;
- (c) the time in a student's career at which such courses shall be taken,
- (d) what subjects or groups of subjects shall be regarded as qualifying for each degree;
- (e) whether any new subject of instruction shall be included in the curriculum of the University or of any of its colleges, or whether any subject previously taught shall be omitted therefrom,

(f) whether

(f) whether the standard to which instruction is given in any subject shall be raised or lowered, and

(ii) it shall pass the Budget

(5) Save on a reference made to it by not less than six members of the Syndicate jointly, the Senate shall not have power to review any act of the Syndicate duly done in the exercise of its powers under this Act or the Regulations in respect of any of the following matters —

(a) the appointment of members of the Faculties and Boards of Studies, the determination of the procedure of such Faculties or Boards and of the quorum of members required for the transaction of business,

(b) the appointment and remuneration of examiners and the determination of their duties and powers,

(c) the award of scholarships and prizes,

(d) the arrangements made for teaching during each session, including the University time-table of courses of instruction and of inter-collegiate lectures and classes;

(e) the prescription of text-books for the courses of study, and

(f) the general disciplinary control over the students of the University

8. (1) The Syndicate shall consist of fourteen ordinary members in addition to the following *ex-officio* members, namely —

(i) the Vice-Chancellor,

(ii) the Director of Public Instruction in Bihar and Orissa,

(iii) the Principal of the Patna College, and

(iv) the Principal of the Ravenshaw College, Cuttack.

(2) The ordinary members of the first Syndicate shall be the persons specified in the Second Schedule, and shall hold office for two years.

(3) Upon

(3) Upon the expiration of the period of office of the ordinary members of the first Syndicate, the ordinary members of the next and every succeeding Syndicate shall be elected by the Senate from amongst its members in such manner as may be proscribed by the Regulations, but so as to include—

- (a) at least one person permanently resident in the Orissa Division,
- (b) not less than seven members of the University staff, or of the teaching staffs of the colleges,
- (c) not less than three other persons who are not following the profession of education

(4) In addition to the matters referred to in section 7 (5), the Syndicate shall determine, subject to the provisions of section 7 (4) and the Regulations, the standard of proficiency to be required for ordinary degrees, shall control the courses of study, the examinations and all matters of education in the colleges of the University, and shall be responsible for the supervision and inspection of such matters in the external colleges

Admission of
educational
institutions as
colleges,

9 (1) No educational institution shall be admitted as a college unless the following conditions are complied with, namely —

- (a) the admission of the institution as a college has, on application made, and after the Syndicate has recorded its opinion on such application, been approved by the Senate and the Local Government; and
- (b) all provisions of the Regulations relating to the admission of educational institutions as colleges have been substantially complied with.

(2) No educational institution shall be admitted as a college of the University, unless the following conditions are complied with, namely —

- (a) the buildings of the institution are situated within the area which has been, or may hereafter

hereafter be, acquired for the purposes of the University,

- (b) all provisions of the Regulations relating to the admission of educational institutions as colleges of the University have been substantially complied with

(3) No educational institution shall be admitted as an external college, unless the following conditions are complied with, namely —

- (a) in the case of an educational institution teaching to a degree standard, the buildings of the institution are situate in one of the following towns, namely — Muzaffarpur, Bhagalpur, Cuttack, or Hazaribagh :
Provided that this condition may be dispensed with in any particular case if the Governor General in Council so directs ,
- (b) all provisions of the Regulations relating to the admission of educational institutions as external colleges have been substantially complied with.

10 (1) Any member of the Syndicate may bring forward a proposal that a college be deprived, either in whole or in part, of its privileges

Exclusion of college from the privileges of the University

(2) The Syndicate shall, after affording the governing body of the college all reasonable facilities for stating its objections to the proposal, consider the proposal and transmit a copy of its proceedings, including a copy of any representation which may be made by such governing body thereon, to the Senate

(3) The Senate shall consider the proposal and shall, if it approves the same either with or without modification, transmit a copy of the proceedings of the Syndicate and of its own proceedings to the Local Government

(4) The Local Government, after such further inquiry, if any, as may appear to it to be necessary shall, in so far as it agrees with the opinion of the Senate, express its concurrence therewith, and thereupon, the college shall be deprived of such privileges

as

as the decision of the Senate and the Local Government (which shall be communicated to it) may specify.

Termination
of privileges
granted by
other Universities to
educational
institutions in
Bihar and
Orissa

11. Notwithstanding anything in any other law for the time being in force, no University in British India other than the Patna University shall, after the commencement of this Act, admit any educational institution in the province of Bihar and Orissa to any privileges whatever, and any such privileges granted by any such other University to any educational institution in that province prior to the commencement of this Act, shall be deemed to be withdrawn on the commencement of this Act.

Provided that any educational institution which, in accordance with the provisions of this section, has been deprived of any such privileges shall, notwithstanding the provisions of section 9, be deemed to have been granted the like privileges by the Patna University

University
staff

12 The members of the University staff shall be appointed by the Chancellor after considering the recommendations of the Syndicate and the Senate

Provided that, in the case of a person paid from the funds of the University whose term of appointment does not extend beyond a total period of six months, the appointment shall rest with the Syndicate subject to the sanction of the Chancellor

Audit of
accounts

13. The accounts of the University shall, once at least in every year, and at intervals of not more than fifteen months, be audited by auditors appointed by the Local Government, and a copy of the accounts, together with the auditors' report, shall be published in the local official Gazette.

Regulations

14 (1) Subject to the provisions of this Act, the Regulations—

(i) shall provide for the following matters.—

(a) the election and all matters connected therewith of Ordinary Fellows or members of the Senate and Syndicate and so as to include provisions for the adequate

adequate representation of all the Faculties of the University among the Fellows to be elected by the teaching staffs of the colleges,

- (b) the inclusion of persons permanently resident in the Orissa division among the nominated and elected Fellows of the Senate,
 - (c) the duration of the term of office of the Ordinary Fellows or members of the Senate and Syndicate,
 - (d) the maintenance for the purpose of constituting the electorate referred to in section 7 (3) (i) (c) of a register of graduates including, for such period as may be thereby prescribed, graduates of any other University who are ordinarily resident in Bihar and Orissa, and the conditions subject to which entries may be made therein, and
 - (e) the procedure to be followed at meetings of the Senate and Syndicate and the quorum of Fellows or members required to be present for the transaction of business, and
- (ii) may provide for all or any of the following matters :—
- (a) the constitution, powers and duties of the Faculties, Boards of Studies, or such other authorities or bodies, as it may be deemed necessary, from time to time, to appoint,
 - (b) the conditions of appointment and the powers and duties of the Registrar, Professors and other officers of the University, whether being members of the University staff or not,
 - (c) the constitution and functions of the governing bodies of the colleges,

(d) the

- (d) the admission of educational institutions as colleges, and the withdrawal of privileges from colleges so admitted,
- (e) the admission of students to the University and their examination,
- (f) the residential arrangements for students of the University,
- (g) the mode of appointment and duties of examiners,
- (h) the conferment and withdrawal by the University of degrees, diplomas, certificates and other academic distinctions,
- (i) the general discipline and control of the University and of the colleges of the University,
- (j) the accounts to be kept and the use to be made of the funds of the University; and
- (k) generally for carrying out the provisions of this Act

(2) The first Regulations shall be drafted by the Vice-Chancellor, who shall submit the draft to the Senate for consideration. The Senate shall consider the draft and submit the same, with such additions and alterations as it considers necessary, to the Local Government. The Local Government shall, if it accepts the draft as settled by the Senate, sanction the same. If it considers that any additions to, or alterations in the draft are necessary, it shall submit the draft with its proposals for the orders of the Governor General in Council, and the first Regulations shall be the draft with such alterations or additions as he may sanction.

(3) If the Senate does not submit to the Local Government the draft of the Regulations within two months from the date on which it was first laid before that authority by the Vice-Chancellor, the Local Government may make the first Regulations, which when sanctioned by the Governor General

in Council shall have the same force as if they had been sanctioned under sub-section (2)

(4) The Senate may, from time to time, make new or additional Regulations, or may amend or repeal the Regulations

(5) The Syndicate may from time to time lay before the Senate any proposals for new Regulations or for the amendment or repeal of any of the existing Regulations, and it shall be the duty of the Senate duly to consider all such proposals

(6) All new Regulations, or additions to the Regulations, or amendments to, or repeals of, the Regulations, shall require the previous sanction of the Local Government, which may sanction, disallow, or remit the same for further consideration.

THE FIRST SCHEDULE

[See section 7 (2)]

ORDINARY FELLOWS OF THE FIRST SENATE

1 The Hon'ble Mr. Justice Edmund Polly Chapman.

2 The Hon'ble Mr Justice Basanta Kumar Mullick, B A (Cantab)

3 The Hon'ble Mr Justice Francis Reginald Roe.

4 The Hon'ble Mr Justice Cecil Atkinson, K C

5 The Hon'ble Mr Justice Jwala Prashad, B A , LL.B (Alld)

6 The Hon'ble Justice Sir Ali Imam, K C S I

7 The Hon'ble Mr E H C Walsh, C S I , Member, Board of Revenue

8 The Hon'ble Raja Rajendra Narayan Bhanja Deo of Kanika.

9 The Hon'ble Rai Bahadur Krishna Sahay, B A., B L (Cal)

10. The Hon'ble Mr Mazharul Haq, Bar -at-Law.

11. The

11. The Hon'ble Mr H LeMesurier, C S I, C I E., Commissioner, Orissa Division

12. The Hon'ble Mr Ahsan-ud-din Ahmad, I S O

13 The Hon'ble Mr C E A W. Oldham, Commissioner, Patna Division

14 The Hon'ble Mr H McPherson, Chief Secretary to Government.

15 The Hon'ble Colonel G J H Bell, C I E, I M S, Inspector-General of Civil Hospitals

16 The Hon'ble Mr L C Adam, Legal Remembrancer and Secretary to the Legislative Council

17 The Hon'ble Mr Madhu Sudan Das, C I E, M A, B L (Cal)

18 The Hon'ble Rai Bahadur Nishi Kanta Sen

19 The Hon'ble Raja Kirtyanand Sinha, B A, (Alld)

20 The Hon'ble Mr. W. A. Ironside.

21 The Hon'ble Khan Bahadur Saiyid Ahmad Hussain

22 The Hon'ble Khan Bahadur Khwaja Muhammad Nur, B.A, B L (Cal)

23 The Hon'ble Rai Bahadur Dvarika Nath, B A, LL B (Alld)

24. The Hon'ble Rai Bahadur Purnendu Narayan Singh, M.A, B L (Cal)

25 The Hon'ble Babu Gopabandhu Das, B A, B L (Cal)

26 Mr Sharf-ud-din, Bar.-at-Law.

27 Mr Hasan Inam, Bar -at-Law

28 Mr Sachchidananda Sinha, Bar.-at-Law

29 Khan Bahadur Saiyid Muhammad Fakhr-ud-din, B A, B L. (Cal)

30 Mr P Kennedy, M A (Cal), P R S, Muzaffarpur.

31 Mr R L Ross, M A (Oxon), District Judge, Patna.

32 Mr.

32. Mr T S Macpherson, M A (Edin), District Judge.

33 Dr D B Spooner, B A , Ph D.

34 Dr A McWilliam, D Sc, Imperial Metallurgist, Sakchi.

35 Babu Rajindra Prasad, M.A , M.L.

36 Mr G E Fawcus, M A. (Oxon)

37. Dr K S Caldwell, B Sc (Wales), M A , Ph D (Leipzig), F I C , F C S.

38. Mr. E A. Horne, M A (St Andrew's University)

39 Mr. W. V. Duke, B A. (R U I), M A. (T C D)

40 Mr R. McCombe, B A (T.C D).

41 Mr. F R. Blair, M.A (Edin).

42. Mr W. W. Thompson Moore, B A (T C D)

43. Mr. Owston Smith, M A. (Cantab)

44 Mr J S. Armour, M A. (Glasgow)

45 Mr. P. O. Whitlock, B A (Cantab), B A. (Victoria).

46 Mr. R. P. Khosla, B.A (Oxon)

47 The Hon'ble Babu Braja Sundar Das

48. The Rev G J. Dann.

49 The Rev. Father Van Hoeck.

50 The Rev G. O. Forrester

51. The Rev. H G. S Kennedy, M A (T.C D)

52 Babu Sarat Chandra Ray, M A , B L

53. Mr. A. Howard, M A , C I E

54 Mr C. S. Taylor, Principal, Sabour Agricultural College.

55 Mr R W F Shaw, M.A. (Aberdeen)

56. Mr F Walford, A R C S , M.I M E , Principal, Bihar School of Engineering.

57 Rai Bahadur Jogesh Chandra Ray, M.A (Cal)

58. Rai

- 58 Rai Bahadur Bhagavati Sahai, M A., B L.
(Cal)
- 59 Mr Ashutosh Chatterji, M A (Cal)
- 60 Mr. Jyotish Chandra Banarji, M.A. (Cal)
- 61 Mr Gopal Chandra Ganguli, M A (Cal)
- 62 Pandit Ramavatar Sharma, M A (Cal)
- 63 Mr. Atul Chandra Ganguli, B A (Cal)
64. Mr Barada Kanta Chattarji, M A , B L.
(Cal)
- 65 Pandit Kashi Nath Das, M A (Cal)
66. Khan Sahib Muhammad Yasin
67. Mr Sharat Chandra Mazumdar, M A (Cal)
- 68 Mr Mohini Mohan Senapati, M A (Cal)
- 69 Mr Jogindra Nath Samaddar, B A. (Cal)
70. Khan Sahib Abdul Muqtadir.
- 71 Pandit Amareshwar Thakur, M A. (Cal),
Professor, Behar National College
- 72 Mr Bir Chandra Sinha, M A (Cal), Pro-
fessor, Tej Narayan Jubilee College
- 73 Shams-ul-ulama Maulvi Saiyid Amjad Ali,
M A. (Alld)
- 74 The Principal of the Sanskrit College, Muza-
ffarpur
- 75 Khan Bahadur Saiyid Zaman-ud-din Ahmad

THE SECOND SCHEDULE

[See section 8 (2)]

ORDINARY MEMBERS OF THE FIRST SYNDICATE

- 1 The Hon'ble Justice Sir Ali Imam, K C S I
- 2 The Hon'ble Rai Bahadur Krishna Sahay.
- 3 The Hon'ble Mr C E A W Oldham, I C S ,
Commissioner, Patna Division
- 4 The Hon'ble Mr Madhu Sudan Das, C I E.
- 5 The

5 The Hon'ble Mr. Mazharul Haque, Bar-at-Law.

6 The Hon'ble Rai Bahadur Dvanika Nath

7 Mr Sharf-ud-din, Bar-at-Law.

8. The Right Rev Foss Westcott, Bishop of Chota Nagpur

9 Dr K. S Caldwell.

10 Mr E. A Horne.

11. Mr W. Owston Smith

12 Mr. Ram Prosad Khosla, Offg. Principal, Greer Bhumihar Brahman College

13 Mr. D N Sen, Principal, Bihar National College

14 Mr N. N. Raye, Principal, Tej Narayan Jubilee College

ACT No. XVII OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 19th
September, 1917)*An Act to amend the Government Savings
Banks Act, 1873

V of 1873

WHEREAS it is expedient to amend the Government Savings Banks Act, 1873; It is hereby enacted as follows:—

1. This Act may be called the Government Savings Banks (Amendment) Act, 1917 Short title

V of 1873

2 In section 4 and section 8 of the Government Savings Banks Act, 1873, for the words "one thousand rupees" the words "three thousand rupees" shall be substituted. Amendment of sections 4 and 8 Act V of 1873

ACT NO. XVIII OF 1917

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(*Received the assent of the Governor General on the 19th
September, 1917*)

An Act to restrict the transfer of Post Office
5-year Cash Certificates and to provide
for the payment of Certificates standing
in the name of deceased persons

WHEREAS it is expedient to restrict the transfer
of Post Office 5-year Cash Certificates and to
provide for the payment of Certificates standing in
the name of deceased persons, It is hereby enacted
as follows —

1. This Act may be called the Post Office Cash Short title
Certificates Act, 1917

2. (1) Notwithstanding any provision in any Prohibition of
enactment or any rule of law for the time being in transfer of
force to the contrary, no transfer (whether made Post Office
before or after the commencement of this Act) of a 5 year Cash
Post Office 5-year Cash Certificate shall be valid Certificates
without the previous consent in writing of the Post without the
Master General for the area in which the post office consent of the
of issue is situate Post Master
General

(2) In this section “transfer” means a transfer
inter vivos and does not include a transfer by opera-
tion of law

3 (1) If a person dies and is at the time of his Payment on
death the holder of a Post Office 5-year Cash Certifi- death of
cate, payment of the sum for the time being due on holder of
such Certificate may be made in the manner provided Post Office
in the Government Savings Banks Act, 1873, for the 5 year Cash
payment of deposits belonging to the estates of Certificate
deceased persons, and the provisions of sections 4 to 9

of

of the said Act shall apply accordingly as if the holder of such Certificate were a depositor in a Government Savings Bank and the sum for the time being due on such Certificate were a deposit in such a Bank

Provided that the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exerciseable by the Post Master General for the area within which the post office of issue of such Certificate is situate .

Provided further that, where in any one case payment is to be made of Certificates issued from more post offices than one, the said powers shall be exerciseable by the Post Master General for the area in which any of the said post offices is situate.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a Post Office 5-year Cash Certificate before the same has reached maturity

ACT NO XIX OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 19th
September, 1917)*

An Act to Amend the Indian Paper Currency Act, 1910, and the Indian Paper Currency (Temporary Amendment) Act, 1917.

II of 1910

XI of 1917

WHEREAS it is expedient to amend the Indian Paper Currency Act, 1910, and the Indian Paper Currency (Temporary Amendment) Act, 1917; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Paper Currency (Amendment) Act, 1917. Short title and duration

(2) Sections 6 and 7 shall have operation only during the continuance of the present war, and for a period of six months thereafter.

XI of 1917.

2 Section 3 of the Indian Paper Currency (Temporary Amendment) Act, 1917, shall be construed as if for the words "three hundred millions" the words "four hundred and twenty millions" were substituted. Amendment of section 3, Act XI of 1917.

II of 1910

3. In clause (a) of section 2 of the Indian Paper Currency Act, 1910, (hereinafter referred to as the said Act) after the words "value of" the words "one rupee, two and a half rupees", shall be inserted. Amendment of section 2, Act II of 1910

4. In section 3 of the said Act, the words "not being less than five rupees" shall be omitted. Amendment of section 3, Act II of 1910

5. In section 15 of the said Act, for the words "five rupees" wherever they occur the words "one rupee" shall be substituted. Amendment of section 15, Act II of 1910

6. In

Amendment
of section 19,
Act II of
1910

6. In section 19 of the said Act after the words "the Governor General in Council" the words "including any gold coin or bullion held on behalf of the Governor General in Council by or under the control of the Government of any part of His Majesty's dominions for coinage or such other temporary purpose" shall be inserted

Amendment
of section
21, Act II
of 1910

7. In section 21 of the said Act after the words "the Secretary of State for India in Council" where they last occur, the words "or to the Government of any part of His Majesty's dominions or from any such Government to the Governor General in Council" shall be inserted.

Amendment
of section
29 (2) (a),
Act II of
1910
Repeal of
Ordinance
II of 1917

8. In clause (a) of sub-section (2) of section 29 of the said Act, the words and signs "(not being less than five rupees)" shall be omitted.

9. The Indian Paper Currency (Amendment) II of 1917 Ordinance, 1917, is hereby repealed.

ACT No. XX OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 19th
September, 1917)

An Act to Restrict the transfer of ships
registered in British India

WHEREAS it is expedient to restrict the transfer
of ships registered in British India ; It is
hereby enacted as follows :

1. (1) This Act may be called the Indian Transfer
of Ships Restriction Act, 1917, Short title
and duration.

(2) It shall remain in force during the contin-
uance of the present war, and for three years there-
after.

2. In this Act .—

(1) (a) “ British subject ” means a person who— Interpreta-
tions

(i) is a natural born British subject within
the meaning of the British Nationality
and Status of Aliens Act, 1914, or

(ii) holds a certificate of naturalization
granted under any Act of Parliament, or

(iii) holds a certificate of naturalization
granted under the Indian Naturalization
Act, 1852,

(b) “ foreign-controlled company ” includes
any company, firm or association or
body of individuals whether incorpo-
rated or not—

(i) which is not established in and subject
to the laws of some part of His Majesty's
dominions or of some British Protecto-
rate, and has not its principal place of
business therein, or

(ii) of which the majority of the directors

or

4 and 5 Geo
5, c 17

XXX of 1852

or the partners or persons occupying the position of directors or partners by whatever name called are not British subjects, or

(iii) of which the majority of the voting power or the predominant interest is in the hands of persons who are not British subjects or of persons who exercise their voting power or hold their interest directly or indirectly on behalf of persons who are not British subjects, or

(iv) of which the control is by any other means whatever in the hands of persons who are not British subjects, or

(v) of which the managing body is a foreign-controlled company, or the majority of the managing body are appointed by a foreign-controlled company.

(c) "interest" includes the interest of a mortgagee, and

(d) "persons qualified to be owners of British ships" has the same meaning as in section 1 of the Merchant Shipping Act, 1894

(2) All provisions referring to a ship shall be read as referring also to a share in a ship. 57 and 58
Vict c 60

Restriction of
transfer

3 No interest in a British ship registered in British India under the Merchant Shipping Act, 1894, shall without the previous consent in writing of the Governor General in Council be transferred to a foreign-controlled company or to persons other than persons qualified to be owners of British ships. 57 and 58
Vict, c 60

Penalty

4. Whoever makes or attempts to make or abets the making of any transfer in contravention of the provisions of this Act, shall be punishable with imprisonment of either description which may extend to two years or with fine or with both

Power to
require parti-
culars in
certain
cases.

5 For the purpose of determining whether any person, who is or who applies to be registered as owner or mortgagee of a British ship, is or represents a foreign-controlled company, the Governor General in Council may require any such person or in the case of

of a company, firm or association, the secretary or other officer thereof to furnish such particulars as he may think necessary and such person or office shall be bound to furnish the particulars so required.

6 Where any person having an interest in a British ship registered in British India ceases to be a British subject or becomes a foreign-controlled company, such interest shall be liable to forfeiture in certain circumstances

ACT No. XXI OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 19th
September, 1917)*

An Act to amend the Indian Trusts Act,
1882.

WHEREAS it is expedient to amend the Indian Trusts Act, 1882, It is hereby enacted as II of 1882 follows :—

Short title

1. This Act may be called the Indian Trusts (Amendment) Act, 1917.

Amendment
of section 20
of Act II of
1882

2. At the end of clause (c) of section 20 of the Indian Trusts Act, 1882, the following words shall be inserted, namely, “ or in debentures of the Bombay Central Co-operative Bank, Limited, the interest whereon shall have been guaranteed, by the Secretary of State for India in Council.” II of 1882

ACT XXII OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 27th September, 1917)

An Act to provide for the acquisition of gold imported into British India.

WHEREAS it is expedient to provide for the acquisition by the Governor General in Council of gold imported into British India, It is hereby enacted as follows .—

1. (1) This Act may be called the Gold (Import) Act, 1917 Short title, extent and duration.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and

(3) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

‘ coin ’ means metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign power in order to be so used ,

‘ gold ’ means gold coin or gold bullion ;

‘ import ’ means the bringing by sea or land into British India

3. (1) Subject to the provisions of this Act, the Governor General in Council or any person appointed by him in this behalf may, by order in writing, within ten days from the date of import, take possession of any gold imported into British India and such gold shall thereupon vest absolutely in His Majesty. Power to take possession of imported gold

(2) Where

(2) Where any gold is taken possession of in exercise of the powers conferred by sub-section (1), the Governor General in Council shall pay to the owner thereof, on production of such documents as the authority making the order under sub-section (1) may require, a sum in respect of such gold calculated at such rate as the Governor General in Council may prescribe.

(3) If any dispute arises as to the fineness of any such gold a certificate of assay by the Assay Master of any Mint established under the Indian Coinage Act, III of 1906 1906, shall be conclusive.

Pepeal of
Ordinance III
of 1917

4. The Gold (Import) Ordinance, 1917, is hereby III of 1917 repealed.

ACT XXIII OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 27th September, 1917)

An Act further to amend the Presidency Small Cause Courts Act, 1882

XV of 1882 **W**HEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, It is hereby enacted as follows —

1. This Act may be called the Presidency Small Cause Courts (Amendment) Act, 1917 Short title.

XV of 1882 2 For the provisos in section 7 of the Presidency Small Cause Courts Act, 1882, the following shall be substituted, namely :— Amendment of section 7, Act XV of 1882.

“ Provided that—

(1) no person shall be appointed to be Chief Judge of a Small Cause Court unless he is—

(a) an advocate of a High Court of Judicature established under the Indian High Courts Act, 1861, or the Government of India Act, 1915, or

(b) a vakil or attorney of one of the said High Courts,

(2) no person shall be appointed to be a Judge of a Small Cause Court unless he is—

(a) an advocate, vakil or attorney of one of the said High Courts, or

(b) a Judge of a Court of Civil Judicature of not less than 5 years' standing, and

(3) of the persons so appointed to be Judges, including the Chief Judge, not less than one-third shall be advocates of one of the said High Courts.”

ACT XXIV OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 27th
September, 1917)*

An Act to amend certain enactments and
to repeal certain other enactments.

WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule,

AND WHEREAS it is also expedient that certain enactments specified in the Second Schedule, which have ceased to be in force otherwise than by express specific repeal, or have become unnecessary, should be expressly and specifically repealed, It is hereby enacted as follows —

Short title

1. This Act may be called the Repealing and Amending Act, 1917

Amendment
of certain
enactments

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof

Repeal of
certain en-
actments.

3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof

Savings

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to,

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued, or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing,

nor

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed,

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force

THE FIRST SCHEDULE

AMENDMENTS

(See section 2)

1	2	3	4
Year	No	Short title	Amendments
1870	VII	The Court fees Act, 1870	<p>In section 2, clause (a), after the words "St George," the words "the Presidency of Fort William in Bengal" shall be inserted, and for the word "Bengal," the words "Bihar and Orissa" shall be substituted</p> <p>In section 3, for the words "Statute 24 & 25 Victoria, Chapter 104, section 15" the following shall be substituted, namely —</p> <p>"Section 15 of the Indian High Courts Act, 1861, or section 107 of the Government of India Act, 1915"</p>
1872	IX	The Indian Contract Act, 1872.	<p>In section 133, after the word "principal" the word "debtor" shall be inserted</p>

SCHEDULE 1

THE FIRST SCHEDULE—*contd*

AMENDMENTS.

(See section 2)

1	2	3	4
Year	No	Short title	Amendments
1897	X	The General Clauses Act, 1897	<p>In section 3, to each of clauses (3a), (5), (5a), (6), (8a), (8b), (30), (44a), (46) and (55a), the following shall be added, namely —</p> <p>“or the Government of India Act, 1915”</p> <p>In section 5, for sub section (2), the following shall be substituted, namely —</p> <p>“(2) Where any Act of the Governor General in Council is reserved, under section 68 of the Government of India Act, 1915, for the signification of His Majesty's pleasure thereon, then, if no later date is expressed, it shall come into operation, if assented to by His Majesty, on the day on which that assent is duly notified”</p> <p>To section 30, the following shall be added, namely —</p> <p>“or section 72 of the Government of India Act, 1915”</p>
1908	V	The Code of Civil Procedure, 1908	<p>In section 127, for the word “sanctioned” the word “approved” shall be substituted</p> <p>In section 130, for the word “sanction” the word “approval” shall be substituted</p>
1912	VI	The Indian Life Assurance Companies Act, 1912	<p>In section 28, for the words “publish in the Gazette of India and cause to be published in the local official Gazette of the Province in which the life assurance company has its principal place of business” the following shall be substituted, namely — “cause to be published in such manner as he may direct, a summary of”</p>

SCHEDULE 1

THE FIRST SCHEDULE—*concl'd.*

AMENDMENTS.

(See section 2)

1	2	3	4
Year	No	Short title	Amendments
1912	VI	The Indian Life Assurance Companies Act, 1912	And in the same section after the words "the preceding year" the words "by every life assurance company" shall be inserted and for the words "such accounts, balance sheets, abstracts, statements or other documents" the words "such summary" shall be substituted

Regulation by the Governor General in Council

1916	I	The Arakan Hill District Laws Regulation, 1916	In Schedule 1, Part I, for the words "The Indian Airships Act, 1911" the words "The Indian Aircraft Act, 1911" shall be substituted.
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THE SECOND SCHEDULE

REPEALS.

(See section 3)

1	2	3	4
Year	No	Short title	Extent of repeal
1872	IX	The Indian Contract Act, 1872	The second <i>Illustration</i> to section 21
<i>Regulation by the Governor General in Council</i>			
1898	IV	The Peshawar Canals Regulation, 1898	The whole Regulation, with effect from the 19th day of February, 1907

ACT No XXV OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

*(Received the assent of the Governor General on the 27th
September, 1917)*An Act to amend the Sir Currimbhoy
Ebrahim Baronetcy Act, 1913.

WHEREAS since the passing of the Sir Currimbhoy Ebrahim Baronetcy Act, 1913, Sir Currimbhoy Ebrahim has made a representation to the Governor of Bombay in Council to the effect that his original intention was that the Sinking Fund of Rs 20,00,000 (twenty lakhs), referred to in the said Act, should be formed in a period of sixty years by carrying to the credit of the said fund annually and investing an amount equal to 00 61 per cent calculated on the amount of the Sinking Fund to be so formed, and that the Repairs Fund of Rs 2,00,000 (two lakhs), also referred to in the said Act, should be formed in a period of twenty years by carrying to the credit of that Fund annually and investing an amount equal to 3·72 per cent, calculated on the amount of the Repairs Fund to be so formed but that the said Act, owing to a mistake, provided that the said percentages should be carried to the credit of the said respective funds every six months instead of every year ;

AND WHEREAS under the orders of the Governor of Bombay in Council an inquiry into the matters aforesaid was directed to be held by the Advocate-General at Bombay who, after careful investigation and recording evidence, reported to the Governor of Bombay in Council that there had been a *bonâ fide* mistake in the drafting of the said Act and that the original intention of Sir Currimbhoy Ebrahim was that the percentages of Rs 00 61 and Rs. 3 72 and no more should be set aside each year ,

AND

AND WHEREAS it is expedient to amend sections 7 and 14 of the said Act for the purpose of giving effect to the intention aforesaid; It is hereby enacted as follows —

1. This Act may be called the Sir Currimbhoy Short title
Ebrahim Baronetcy (Amendment) Act, 1917

IV of 1913 2 (1) In sections 7 and 14 of the Sir Currim- Amendment
of sections 7
and 14 of Act
IV of 1913
bhoy Ebrahim Baronetcy Act, 1913 (hereinafter
called the said Act), for the words "six months"
wherever they occur shall be substituted the word
"year"

(2) The said Act shall be read and construed as if the amendments hereby enacted had formed part of the said Act from its commencement.

ACT XXVI OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL]

(Received the assent of the Governor General on the 27th
September, 1917)

An Act to validate certain transfers of
property made prior to the 1st of January,
1915.

WHEREAS it is expedient to validate certain
transfers of property made prior to the 1st of
January, 1915, It is hereby enacted as follows —

Short title
and extent

1. (1) This Act may be called the Transfer of
Property (Validating) Act, 1917.

(2) It shall extend, in the first instance, to the
United Provinces of Agra and Oudh, provided that
the Governor General in Council may, by notification
in the Gazette of India, extend it to any other part
of British India specified in the notification

Validation of
certain trans-
fers made
prior to the
1st of Janu-
ary, 1915.

2. Where a mortgage or gift purports to have
been effected by an instrument executed prior to the
1st of January, 1915, and such instrument is required
by the Transfer of Property Act, 1882, to be attested,
such mortgage or gift shall not be deemed to be
invalid by reason only that any person who purported
to attest such instrument as a witness did not see
the executant sign it, provided that such person
before signing his name on the instrument received
from the executant a personal acknowledgment of
his signature to the same.

IV of 1882

Restoration
of certain
claims

3. Where a claim under any such instrument
executed prior to the 1st of January, 1915, has been
wholly or in part dismissed, rejected, or withdrawn,
after the 30th day of July, 1912, and before the
commencement of this Act, in a Court of first
instance or of revision or appeal, by reason only of
the fact that some person who purported to attest
such

such instrument as a witness, on having received before signing his name thereon a personal acknowledgment from the executant of his signature to the same, did not see the executant sign it, the case may, if the dismissal, rejection or withdrawal has had the effect of invalidating, in whole or in part, the said instrument as between persons claiming thereunder, be restored on review in accordance with the procedure provided by the Code of Civil Procedure, 1908, for review of judgments, on application in writing made within six months from the commencement of this Act; and on such restoration, the provisions of section 2 shall apply to such instrument :

V of 1908

Provided nevertheless—

- (1) that every Court to whom such an application is made shall have a discretion to refuse the same if it is of opinion that such restoration would prejudice the rights of any transferee for value in good faith under any transfer made subsequent to the said 30th day of July, 1912 ,
- (2) that in the event of a decree being passed upon such application in favour of the applicant or his legal representative interest shall only be allowed under such instrument at the contractual rate up to the date of the original dismissal, rejection or withdrawal of such claim, and for a period of six months therefrom, and at the rate of 6 per cent. thereafter until realization ; and
- (3) that in the event of the case being so restored the Court shall be bound by the finding of the former Court, by or before whom the case was dismissed, rejected or withdrawn, on any issue of fact which was heard and finally determined by it.

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET

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